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Canada. Parliament. Legislative assembly
Debates of the Legislative Assembly
of United Canada. v3 (1842)

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume II

1842



DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841–1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

General Editor
Elizabeth Nish

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Edited by
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PRESSES DE L'ÉCOLE DES HAUTES ÉTUDES COMMERCIALES
5255, avenue Decelles, Montréal 250, Québec

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* Presses de l'Ecole des hautes études commerciales, 1971

INTRODUCTION

The Introduction to the first Volume in this series, DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, with the influences of the ancestral British system upon its derivative Canadian transplants carefully spelled out. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were : the bilingualism of the Lower and United Canada Legislatures ; the poverty of Canadian editors and the small size of their newspapers ; the political biases of parliamentary reporters who at the same time lacked stenographical skills ; poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a profession which though politically-oriented was also structured to conform to the exigencies of the newspaper world of which it was an integral part.

All this information about parliamentary reporting both as an institution and as a profession was considered : the policies of its newspaper patrons ; its techniques ; the skills and foibles of its personnel ; and the problems such as accommodation faced by the reporters. At the same time the other record of parliamentary proceedings, the official JOURNALS, were also analysed. On the basis of this analysis of reports and JOURNALS, a methodology was elaborated which involved collating the reports and integrating them into the JOURNALS. The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the most ambitious goal possible to achieve. Various problems were anticipated and their solutions incorporated into the methodology. Each individual methodological step was explained and then implemented, thus producing CANADIAN HANSARD 1841.

The theoretical methodology remains unchanged for the reconstruction of the debates of the year 1842. There are, however, certain changes in the practical application of that methodology. The most important difference between 1841 and 1842 is in the basic source material, the newspapers containing the parliamentary reports. Eleven newspapers were consulted for 1842 as opposed to only eight in 1841. These eleven newspapers are described in the following table in terms of their chief characteristics.

The reason for including such newspapers as the ST. CATHARINES JOURNAL, the BATHURST COURIER, and the WESTERN HERALD, explained in

<i>Newspaper</i>	<i>Section</i>	<i>District</i>	<i>Language</i>	<i>Political Orientation</i>	<i>Special M.P.'s</i>	<i>Completeness of Paper on Microfilm</i>
L'AURORE	L.C.	Montreal	French	French Canadian moderate Reform	D.B. Viger, D.B. Papineau	Very
BATHURST COURIER	U.C.	Bathurst	English	Reform	Malcolm Cameron and sometimes William Morris	Very
BRITISH COLONIST	U.C.	Toronto	English	Moderate Conservative	—	Very
LE CANADIEN	L.C.	Quebec	French	French Canadian Reform	French Canadians in general such as Joseph-René Kimber, L.H. LaFontaine, E.-P. Taché, and their ally T.C. Aylwin	Very
EXAMINER	U.C.	Toronto	English	Reform	Francis Hincks	Very
KINGSTON CHRONICLE	U.C.	Seat of Government	English	Very moderate Conservative	—	Very
LA MINERVE	L.C.	Montreal	French	French Canadian Reform	L.H. LaFontaine	Very
MONTREAL GAZETTE	L.C.	Montreal	English	Montreal urban Conservative	Benjamin Holmes, George Moffatt, Charles R. Ogden	Very
MONTREAL TRANSCRIPT	L.C.	Montreal	English	Montreal urban Conservative	—	Very
ST. CATHARINES JOURNAL	U.C.	Niagara Peninsula	English	Moderate Reform	William Hamilton Merritt	Very
WESTERN HERALD	U.C.	Western District	English	Moderate Conservative farming	Col. John Prince, who due to a disagreement with the editor in the summer of 1842 was often singled out for attention, but negatively	Very

detail in the Introduction to 1841, was basically that they printed parliamentary reports collated from what we may suppose they considered the best sources available. Thus they provide a kind of check that our reconstruction is not missing out on debates from papers or single issues which have not been preserved.

The techniques for footnoting the collated debates is another point which should be discussed in some detail because the footnotes do more than identify the sources from which material is drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper the source of each specific portion of the speech is identified. When it is possible the individual reporter is also identified : for example, Henry Fowler, publisher of the MIRROR OF PARLIAMENT, was named as the reporter of the KINGSTON CHRONICLE's debates of 10 July 1841. However, reporters are rarely mentioned by name, and it is only in later years that information about individual reporters on each paper is available. 2) All alternate sources which have been consulted but not selected are noted, except for those papers which gave as their report just a copy of the JOURNALS' account of a

Frequency of Distribution	Average Number of Columns Devoted to Assembly per issue	Completeness of Reports	Accuracy	Person Reported in	Origin of Reports	Amount of Commentary on Debates, and its Usefulness	Coverage Given to Legislative Council
Three times weekly, 2 to 3 Tuesday, Thursday, Saturday		Sketchy but quite good reports	A	Third, special speeches first	Original	A	Never
Weekly, Tuesday	5 to 6	Edited versions of a wide variety of papers : <i>Kingston Chronicle, Montreal Gazette, Montreal Transcript</i> , etc.	A	Third	Copied	C plus	Frequently, 1 to 2 columns
Weekly, Wednesday	5	Excellent	A	Third	Original "Reported for British Colonist"	B	At end of session
Three times weekly, 2 Monday, Wednesday, Friday		Adequate for Lower Canada	A	First, third	Some original, some copied	A minus	Seldom
Weekly, Wednesday	5	Very good	A	First, third	Most copied, some original	A	Occasionally, 3 to 4 columns
Twice weekly, 4 Wednesday, Saturday		Excellent	A	First, third	Original	B	Occasionally, 1 to 1½ columns
Twice weekly, 2 to 3 Monday, Friday		Very good, especially for Lower Canada	A	Third, special speeches first	Original, sometimes copied	A	Never
Three times weekly, 1½ to 4 Tuesday, Thursday, Saturday		Concise but very good reports	A	Third	Original	A	Regularly and fully, 1½ to 6 columns
Three times weekly, 2 to 4 Tuesday, Thursday, Saturday		Concise but very good reports	A	Third	Some original, some copied, especially from <i>Montreal Gazette</i> and <i>Montreal Herald</i>	B	Occasionally, ½ column
Weekly, Thursday	2 to 6	Edited versions of excellent reports	A	Third	Copied from <i>British Colonist, Examiner, Kingston Herald</i> and other Upper Canadian papers	C plus	Never
Weekly, Thursday	3	Adequate for Upper Canada	A	Third	Copied	C	Once, 1½ columns

day's proceedings. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper; the original source of these borrowed reports is noted. 3) Commentaries on the debate in question are noted. In cases where such commentaries furnish material of exceptional interest, they are transcribed verbatim rather than merely indicated as items for possible reference. 4) The footnotes include any additional information explaining the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconder are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS and must be well explained. Nothing in the Appendices is recorded in the JOURNALS. The content of the Appendices is threefold : 1) notices of proposed motions, petitions and bills ; 2) debates on withdrawn motions ; and 3) questions and answers. A substantial part of the Appendices consists of notices

of proposed measures. Debates on withdrawn motions are much more interesting because they appear nowhere in any official record whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless they were incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

Finally, certain small and miscellaneous technical points should be explained. 1) The spelling of speakers' names at the opening of each individual speech has been standardized and each name is bold faced. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; Johnson instead of Johnston; Simson instead of Simpson; Doran instead of Durand; and Vigar instead of Viger. All spelling of names within a speech is left unchanged, however. 2) Whenever a speaker is noted as having delivered his speech in English or in French, this fact is noted. For example, "Mr. Viger (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the right-hand number is our own. 4) Four of the newspapers are referred to in abbreviated form, the KINGSTON CHRONICLE AND GAZETTE as the KINGSTON CHRONICLE, the WESTERN HERALD AND FARMERS' MAGAZINE as the WESTERN HERALD, the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL, and L'AURORE DES CANADAS as L'AURORE. 5) The various parentheses used in the newspapers are represented in our text by (). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within a single parenthesis. 7) Words such as "expence," "tranquility," "controul," "surprize," and "tems" which were misspelled as often as not, are reproduced without the word "sic". 8) When for the sake of clarity we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts rather than the awkward ellipses. This editorially imposed punctuation will be indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "Sir Allan MacNab said that he would go to town....¹ he meant to the town of Three Rivers....² as soon as possible....³" becomes "Sir Allan MacNab said that he would go to town¹, he meant to the town of Three Rivers², as soon as possible³."

The style and methodology in even the most minute aspects are designed to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can repro-

duce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are reported each in a different tense. In a fairly typical debate, "Sir Allan MacNab thinks" while "Captain Steele said" and "Mr. Cooke had opposed." The real editing work occurred in the earlier stage of the work, when the **passages here reproduced as the reconstructed debates were selected.** Therefore all elegancies of language are gratuitous, and such texts were invariably selected for content and not because of the felicity with which they were expressed.

Executive Councillors¹ and their Positions

FIRST PARLIAMENT — SECOND SESSION
8 September 1842 to 12 October 1842

AYLWIN, Thomas Cushing

Member of the Executive Council : 24 September 1842 to 27 November 1843
Solicitor General, L.C. : 24 September 1842 to 11 December 1843

BALDWIN, Robert

Member of the Executive Council : 16 September 1842 to 27 November 1843
Attorney General, U.C. : 17 September 1842 to 11 December 1843

DALY, Dominick

Member of the Executive Council : 13 February 1841 to 10 March 1848
Provincial Secretary, L.C. : 10 February 1841 to 31 December 1843
Member of the Board of Works : 21 December 1841 to 8 June 1846

DRAPER, William Henry

Member of the Executive Council : 13 February 1841 to 15 September 1842
Attorney General, U.C. : 10 February 1841 to 16 September 1842

DUNN, John Henry

Member of the Executive Council : 13 February 1841 to 27 November 1843
Receiver General : 10 February 1841 to 31 December 1843

HARRISON, Samuel Bealey

Member of the Executive Council : 13 February 1841 to 30 September 1843
Provincial Secretary, U.C. : 10 February 1841 to 30 September 1843
Member of the Board of Works : 21 December 1841 to 3 October 1844

HINCKS, Francis

Member of the Executive Council : 9 June 1842 to 27 November 1843
Inspector General : 9 June 1842 to 11 December 1843

KILLALY, Hamilton Hartley

Member of the Executive Council : 17 March 1841 to 27 November 1843
President of the Board of Works : 21 December 1841 to 8 June 1846

LAFONTAINE, Louis-Hippolyte

Member of the Executive Council : 16 September 1842 to 27 November 1843
Attorney General, L.C. : 16 September 1842 to 11 December 1843

1. Augustin Norbert MORIN was a member of the Executive Council from 13 October 1842 until 27 November 1843, and Commissioner of Crown Lands from 13 October 1842 until 11 December 1843.

OGDEN, Charles Richard

Member of the Executive Council : 13 February 1841 to 15 September 1842
Attorney General, L.C. : 10 February to 15 September 1842

SHERWOOD, Henry²

Member of the Executive Council : 23 July 1842 to 15 September 1842
Solicitor General, U.C. : 23 July 1842 to 16 September 1842

SMALL, James Edward

Member of the Executive Council : 26 September 1842 to 27 November 1843
Solicitor General, U.C. : 26 September 1842 to 11 December 1843

SULLIVAN, Robert Baldwin³

Member of the Executive Council : 13 February 1841 to 27 November 1843
President of the Executive Council : 10 February 1841 to 11 December 1843
Member of the Legislative Council : 9 June 1841 to 30 May 1851

2. SHERWOOD was elected to the Legislative Assembly for the City of Toronto in a by-election, 6 March 1843.

3. SULLIVAN only held a seat in the Legislative Council, not in the Assembly.

Members of the Legislative Assembly and their Constituencies

Armstrong, David Morrison	Berthier, Lower Canada
Aylwin, Thomas Cushing	Portneuf, Lower Canada
Baldwin, Robert	Hastings, Upper Canada
Barthe, Joseph Guillaume	Yamaska, Lower Canada
Berthelot, Amable	Kamouraska, Lower Canada
Black, Henry	Quebec City, Lower Canada
Boulton, Henry John	Niagara, Upper Canada ¹
Borne, Michael	Rimouski, Lower Canada
Boswell, George Mors	Northumberland, South Riding, Upper Canada
Bouthillier, Thomas ²	Saint-Hyacinthe, Lower Canada
Buchanan, Isaac	Toronto, City, Upper Canada
Burnet, David	Quebec, City, Lower Canada
Cameron, Malcolm	Lanark, Upper Canada
Campbell, Edward Clark	Niagara, Upper Canada ¹
Cartwright, John Solomon	Lennox & Addington, Upper Canada
Chesley, Solomon Youmans	Cornwall, Upper Canada
Child, Marcus	Stanstead, Lower Canada
Christie, Robert	Gaspé, Lower Canada
Cook, John	Dundas, Upper Canada
Crane, Samuel	Grenville, Upper Canada
Cuvillier, Austin ³	Huntingdon, Lower Canada
Daly, Dominick	Megantic, Lower Canada
Delisle, Alexander M.	Montreal, County, Lower Canada
Derbshire, Stewart	Bytown, Upper Canada
DeWitt, Jacob	Leinster, Lower Canada
Draper, William Henry	Russell, Upper Canada
Duggan, George R.	York, Second Riding, Upper Canada ⁴
Dunlop, William	Huron, Upper Canada
Dunn, John Henry	Toronto, City, Upper Canada
Dunscomb, John William	Beauharnois, Lower Canada
Durand, James	Halton, West Riding, Upper Canada
Forbes, C. John	Two Mountains, Lower Canada
Foster, Sewell	Shefford, Lower Canada
Gilchrist, John	Northumberland, North Riding, Upper Canada
Hale, Edward	Sherbrooke, Town, Lower Canada
Hamilton, John Robinson	Bonaventure, Lower Canada

1. Campbell's election was annulled the 26th of September 1842, and Boulton was proclaimed Member for Niagara the same day.

2. In his personal correspondence, Bouthillier wrote his name with an "h," and so his own spelling has been adopted in this work.

3. Cuvillier was the Speaker of the Legislative Assembly.

4. Duggan's election was annulled on the 26th of September. However, he was re-elected the 22nd of November.

Harrison, Samuel Bealey	Kingston, City, Upper Canada
Hincks, Francis	Oxford, Upper Canada
Holmes, Benjamin	Montreal, City, Lower Canada
Hopkins, Caleb	Halton, East Riding, Upper Canada
Johnston, James	Carleton, Upper Canada
Jones, Robert	Mississquoi, Lower Canada
Killaly, Hamilton Hartley	London, City, Upper Canada
Kimber, Joseph-René	Champlain, Lower Canada
LaFontaine, Louis-Hippolyte	York, Fourth Riding, Upper Canada
Leslie, James	Verchères, Lower Canada
McCulloch, Michael	Terrebonne, Lower Canada
McDonald, Donald	Prescott, Upper Canada
Macdonald, John Sandfield	Glengarry, Upper Canada
McLean, Alexander	Stormont, Upper Canada
MacNab, Allan Napier	Hamilton, Upper Canada
Merritt, William Hamilton	Lincoln, North Riding, Upper Canada
Moffatt, George	Montreal, City, Lower Canada
Moore, John	Sherbrooke, County, Lower Canada
Morris, James	Leeds, Upper Canada
Neilson, John	Quebec, County, Lower Canada
Noël, Jean-Baptiste Isaïe	Lotbinière, Lower Canada
Ogden, Charles Richard	Three Rivers, Town, Lower Canada
Papineau, Denis-Benjamin	Ottawa, County, Lower Canada
Parent, Etienne	Saguenay, Lower Canada
Parke, Thomas	Middlesex, Upper Canada
Powell, Israel Wood	Norfolk, Upper Canada
Price, James Hervey	York, First Riding, Upper Canada
Prince, John	Essex, Upper Canada
Quesnel, Frédéric-Auguste	Montmorency, Lower Canada
Roblin, John P.	Prince Edward, Upper Canada
Sherwood, George	Brockville, Upper Canada
Simpson, John	Vaudreuil, Lower Canada
Small, James Edward	York, Third Riding, Upper Canada
Smith, Harmanus	Wentworth, Upper Canada
Smith, Henry Jr.	Frontenac, Upper Canada
Steele, Elmes	Simcoe, Upper Canada
Taché, Etienne-Pascal	L'Islet, Lower Canada
Taschereau, Antoine-Charles	Dorchester, Lower Canada
Thompson, David	Haldimand, Upper Canada
Thorburn, David	Lincoln, South Riding, Upper Canada
Turcotte, Joseph-Edouard	Saint-Maurice, Lower Canada
Turgeon, Abraham	Bellechasse, Lower Canada
Viger, Denis-Benjamin	Richelieu, Lower Canada
Viger, Louis-Michel	Nicolet, Lower Canada
Walker, William	Rouville, Lower Canada
Watts, Robert Nugent	Drummond, Lower Canada
Williams, John Tucker	Durham, Upper Canada
Woods, Joseph	Kent, Upper Canada
Yule, John Jr.	Chambly, Lower Canada

Thursday, 8 September 1842.¹

Message to
attend the
Governor-Gen'l.

(1)

A MESSAGE from His Excellency, the Governor General, by *Frederick Starr Jarvis*, Esquire, Gentleman Usher of the Black Rod :

Mr. Speaker,

His Excellency, the Governor General, desires the immediate attendance of this Honourable House, in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Council Chamber :— And being returned ;

Writs issued in
the Recess.

Mr. Speaker acquainted the House, that he had issued his Warrants to the Clerk of the Crown in Chancery, to make out new Writs for the election of Members to serve in the present Provincial Parliament, in the room of Members whose seats had become vacant ; and that the Clerk of this House had received from the said Clerk of the Crown in Chancery, the following Certificates of Returns of Members, elected during the recess, upon the said new Writs.

Office of the Clerk of the Crown in Chancery,
Kingston, 14th June, 1842.

Fourth Riding
County of York.

Province of Canada.

This is to certify that, in virtue of a writ of election, dated the thirty-first day of August, last past, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer for the Fourth Riding of the County of York, (*Benjamin W. Smith*,) for the election of one Member for the said Fourth Riding of the County of York, in the place and room of *Robert Baldwin*, Esquire, who, being chosen a Member for the said Fourth Riding of the County of York, and also for the County of Hastings; *Louis Hypolite Lafontaine*, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the twenty-first day of September, one thousand eight hundred and forty-one, (addressed to *Thomas Amiot*, Esquire, the late Clerk of the Crown in Chancery,) which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 14th June, 1842.

County of
Vercheres.

Province of Canada.

This is to certify that, in virtue of a writ of election, dated the fourth day of December, now last past, issued by His Excellency, Sir *Richard Downes Jackson*, Administrator of the Government, and directed to the Returning Officer of the County of Vercheres, (*Alexis Pinet*, Esquire,) for the election of a Member for the said County of Vercheres, in the room of *Henri Desrivieres*, Esquire, who, since his election for the said County, hath resigned his seat; *James Leslie*, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the twenty-eighth day of December, now

DEBATES OF LEGISLATIVE ASSEMBLY

last past, (addressed to *Thomas Amiot*, Esquire, late Clerk of the Crown in Chancery,) which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 14th June, 1842.

County of
Nicolet.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the twenty-first day of January, now last past, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the County of *Nicolet*, (*Bazile Lupien*, Esquire,) for the election of a Member for the said County of *Nicolet*, in the room of *A. Norbert Morin*, Esquire, who hath resigned his seat; *Louis Michel Viger*, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the fifteenth of February, now last past, (addressed to *Thomas Amiot*, Esquire, late Clerk of the Crown in Chancery,) which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 22nd April, 1842.

County of the
Lake of Two
Mountains.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the twenty-ninth day of March, last past, issued by His Excellency, the Go-

(2)

vernor-in-Chief, and directed to the Returning Officer of the County of the *Lake of Two Mountains*, (*Daniel de Hertel*, Esquire,) for the election of a Member for the said County of the *Lake of Two Mountains*, in the room of *Colin Robertson*, Esquire, deceased, whose seat has become vacant; *C. John Forbes*, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the eighteenth day of April, instant, which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 14th June, 1842.

County of
Bellechasse.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the ninth day of May, now last past, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the County of *Bellechasse*, (*Leger Launiere*, Esquire,) for the election of a Member for the said County of *Bellechasse*, in the room of *Augustin Guillaume Ruel*, Esquire, who has vacated his seat by his acceptance of the office of Registrar of the District of *Rimouski*; *Abraham Turgeon*, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the sixth day of June, instant, which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 10th July, 1842.

County of
Rouville.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the tenth day of June last, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the County of *Rouville*, (*Hiram W. Hitchcock*, Esquire,) for the election of a Member for the said County of *Rouville*, in the room of *Alphonse Melchior De-Salaberry*, Esquire, whose seat has become vacant by his acceptance of an office of profit, under the Crown; *William Walker*, Advocate, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the seventh day of July, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 16th July, 1842.

County of
St. Maurice.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the ninth day of June last, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the County of *Saint Maurice*, (*C. E. Gagnon*, Esquire,) for the election of a Member for the said County of *Saint Maurice*, in the room of *Joseph Edouard Turcotte*, Esquire, who hath resigned his seat; *Joseph Edouard Turcotte*, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the eight day of July, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 14th July, 1842.

County of
Oxford.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the sixteenth day of June last, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the County of *Oxford*, (*John Scatchard*, Esquire,) for the election of a Member for the said County of Oxford, in the room of *Francis Hincks*, Esquire, who has resigned his seat; the Honourable *Francis Hincks* has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the sixth day of July, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 12th August, 1842.

County of
Leinster.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the twelfth day of July, last past, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the County of *Leinster*, (*Philip Mount*, Esquire,) for the election of a Member for the said County of *Leinster*, in the room of *Jean Moyse Raymond*, Esquire, whose seat hath become vacant by his acceptance of the office of Registrar of the District of *Leinster*; *Jacob De Witt*, Esquire, has been returned, as duly elected, accordingly, as appears by the return of the

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said writ, dated the eight day of August, instant, which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

Office of the Clerk of the Crown in Chancery,
Kingston, 27th August, 1842.

County of
Ottawa.

Province of *Canada*.

This is to certify that, in virtue of a writ of election, dated the twelfth day of July, last passed, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the County of *Ottawa*, (*James F. Taylor*, Esquire,) for the election of a Member for the said County of *Ottawa*, in the room of the Honourable *Charles Dewey Day*, whose seat hath become vacant by his acceptance of the office of Puisne Judge of Her Majesty's Court of King's Bench, for the District of *Montreal*; *Denis Benjamin Papineau*, Esquire has been returned, as duly elected, accordingly, as appears by the return of the said writ, dated the seventeenth day of August, instant, which is lodged in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,
Clerk of the Legislative Assembly.

[For the notifications made to Mr. Speaker, and resignations connected with the above Returns, see Appendix (A) at the end of this volume.]

Members take
oaths.

Louis Hypolite Lafontaine, Esquire, Member for the Fourth Riding of the County of *York*; *James Leslie*, Esquire, Member for the County of *Vercheres*; *Louis Michel Viger*, Esquire, Member for the County of *Nicolet*; *Charles John Forbes*, Esquire, Member for the County of the *Lake of Two Mountains*; and *Jacob De Witt*, Esquire, Member for the

(3)

County of *Leinster*, having previously taken the oath, according to law, and subscribed, before the Commissioners, the Roll containing the same, took their seats in the House.

Ordered — That the Honourable Mr. *Harrison* have leave to bring in a Bill to regulate the appropriation of Fines, Penalties, and Forfeitures.

He accordingly presented the said Bill to the House; and the same was received and read for the first time, and ordered to be read a second time on this day week.

Mr. Speaker reports
Speech.

Mr. Speaker then reported that, when the House did attend His Excellency, the Governor-General, this day, in the Legislative Council Chamber, His Excellency was pleased to make a Speech to both Houses of the Provincial Parliament; of which, Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House,² and is as followeth :—

Speech.

Honourable Gentlemen of the Legislative Council,—
and Gentlemen of the House of Assembly :

The melancholy event which marked the close of the last Session, and which must still be fresh in your memory and your regrets, has imposed upon me the responsibility of maturing and carrying into effect numerous important measures, and has caused a corresponding necessity for delay in calling you together.

Since you last met, several events of interest to this Province and the British Empire have occurred, the issue of which has been mercifully directed by Providence for the security and advantage of both.

The birth of a Prince, destined, under God's protection, to occupy the British Throne, is a source of rejoicing to all Her Majesty's faithful subjects ; and you will, I am sure, join with me in cordial congratulations to the Queen and Her August Consort upon this event, so conducive to their domestic happiness, and so auspicious for the nation.

You will also, I am confident, unite with one voice in thanksgiving to Almighty God, that He has been pleased to avert from our beloved Sovereign the danger to which she has been exposed by the treasonable attempt of an assassin, and by the malice of the reckless and wicked ; and will join in the prayer, that He will continue to watch over, and long to preserve, a life so justly dear to all classes of Her Majesty's subjects.

I rejoice that I am able to acquaint you, that a Treaty between *Great Britain* and the *United States* has been signed on the part of Her Majesty, and since ratified by the Federal Senate, by which the important questions affecting this Province and the *United States* have been adjusted. From this happy settlement, the ratification of which by Her Majesty I hope soon to be able to announce to you, I augur the most favourable consequences to the Province, in the maintenance of peace, the restoration of confidence, and the devotion of the undivided energies of its inhabitants to the internal advancement and the development of the vast resources of the country. These have been among Her Majesty's chief objects in the negociation of this Treaty ; and I am commanded by the Queen to state to you, that no wish is nearer to Her Majesty's heart, than that, under Her rule and the protection of Her Crown, all Her faithful subjects in *Canada* may rest in undisturbed peace — may feel themselves to be one people with their fellow subjects in the British Islands — and may increase in wealth, prosperity, and contentment, founded on the possession and rational enjoyment of a free and essentially British constitution.

Gentlemen of the House of Assembly,

I have unfeigned satisfaction in informing you that Her Majesty's Government have redeemed, in the fullest manner, the munificent promise made by their predecessors, to guarantee the Loan contemplated by this Province ; and I shall lay before you, without delay, the Act of the Imperial Parliament which gives effect to their intention. I have been in correspondence with Her Majesty's Government upon the mode in which the assistance thus given can be made most available to the Province, and I shall have occasion to make an important communication to you upon this subject. In the meantime, I have adopted every means at my command to obviate the inconveniences of delay, and to advance the Public Works ; and I hope, before the expiration of the present season, to be able to extend them considerably. I have directed that full information, as to the operations of the past year, shall be laid before you.

It has been found impracticable to carry into effect in *England* the arrangement proposed last year for the assistance of deserving emigrants. In redemption, however, of the pledge made upon this subject, Her Majesty's Government have obtained from Parliament a grant of money in aid of destitute emigrants upon their arrival in this country. It will, meanwhile, be satisfactory to you to know, that, although the number of emigrants who have arrived directly from the Mother Country, or through the neighbouring States, during the present season, has been much larger than during the corresponding period of last year, no serious destitution has prevailed among them, which would render it necessary for me to apply to you to devise means for their relief ; and I have every reason to hope that there are the best prospects of their ultimate success and prosperity.

The condition of the Public Revenue is highly satisfactory. The patriotic measure, adopted by the Legislature during the last Session,

DEBATES OF LEGISLATIVE ASSEMBLY

to provide by means of increased taxes upon imports for restoring the credit of the Province, and meeting the charge about to be created for the completion and extension of the Public Works, has been eminently successful. The Tariff of the Imperial Parliament for the British Possessions in *North America*, framed, as it is, in a most generous spirit as regards this Province, will promote essentially its financial and commercial interests. The provisions of the Imperial Act will probably call for corresponding alterations in the Provincial scale of duties ; and I shall, at an early period, require your advice and assistance in making the Revenue Laws of this Province consistent in themselves, and harmonious with the enactments of the Imperial Parliament.

Her Majesty's Government have evinced a most liberal disposition in the consideration of the duties on agricultural produce, in connection with the trade of *Canada*; and I am led to hope that an arrangement may be made to extend the market for Canadian produce, in a manner alike advantageous to this Province and the Mother Country.

I have directed that the accounts of the Revenue and Expenditure of the past year, with the Estimates for the ensuing year, be laid before you.

Honourable Gentlemen and Gentlemen,

I have given much attention to the operation of the great measures passed last Session, and I shall have occasion to propose to you modifications in certain of them, with the view of giving effect to their provisions, in development of the principles on which they are founded, and in harmony with the spirit of those institutions under which they are framed.

The important measure for the establishment of District Councils, the details of which experience alone could perfect, will come under revision ; and I hope for your cheerful aid in considering the amendments which will be proposed, with the view of removing all obstacles to the smooth and efficient operation of these Institutions.

(4)

I have endeavoured to work out the objects which the Legislature contemplated in passing an Act for the promotion of Education ; and I have not hesitated to adopt such measures as I deemed to be indispensable to the accomplishment of their intentions, until the subject could again be brought under their consideration : but it will be necessary to introduce several amendments into the measure, in order to ensure its successful and beneficial operation. In the meantime, it is gratifying to know the impulse which has been given to Education, in its higher as well as in its elementary branches. The result cannot fail to confer the most material benefits upon the whole Province.

The re-organization of the Militia is also a subject to which I shall have to call your attention, as the present seems a favourable opportunity to alleviate unnecessary pressure upon the people, and to place this arm of the public defence upon a sounder and more satisfactory footing.

In perfecting these and other measures which will be brought before you, and in all your labours for the advancement of the welfare of the Province, you may rely upon my cordial co-operation and support. It is my earnest hope that a spirit of moderation and harmony may animate your councils and direct your proceedings. The Province has at length happily recovered from a state of severe trial and danger, and a bright dawn now opens upon its prospects. The promise of peace, secured upon an honourable and advantageous basis — the re-establishment of tranquility and security — the restoration of financial credit and commercial confidence, with the enjoyment of free and permanent institutions — are blessings for which *Canada* has reason to be grateful,

and which, I feel assured, it will be your effort to preserve, and your pride to perpetuate.

Mr. H. Smith said, that in the absence of the member for Lincoln, he should ((make the following motion))³.

(4)

Postage to
Members ordered
to be paid by
Clerk.

On motion of Mr. *Henry Smith*, seconded by Mr. *Dunlop*,

Ordered — That the Clerk be directed to charge, to the Contingencies of the House, the postage on all letters not exceeding one ounce in weight, and on printed papers, to and from Members of this House, during the present Session, provided that when petitions to this House are enclosed, the postage thereon shall be charged without restriction as to weight.

The Honourable Mr. Attorney General *Draper*, a Member of the Executive Council, rose in his place and acquainted Mr. Speaker, and the House, that the Honourable *Hamilton H. Killaly*, a Member of this House for the Town of *London*, had resigned his seat, having, since his election, accepted the office of President of the Board of Works, of this Province.

Mr. Draper moved for a new Writ for the town of London, in consequence⁴.

Mr. Durand objected to the issuing of the Writ, until the Election Bill was passed.⁵

(4)

London (Town)
Writ.

Ordered — That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of one Member, to serve in the present Parliament, for the Town of *London*, in the room and place of the Honourable *Hamilton H. Killaly*, who, since his election, hath accepted the office of President of the Board of Works, of this Province.

On motion of the Honourable Mr. Attorney General *Draper*, seconded by the Honourable Mr. *Harrison*,

Ordered — That the Speech of His Excellency, the Governor General, this day delivered to both Houses of the Provincial Legislature, be taken into consideration on Monday next.

On motion of Mr. *Cartwright*, seconded by the Honourable Mr. Attorney General *Draper*,

Ordered — That two hundred and fifty copies of the said Speech, be printed, in each of the English and French languages, for the use of the Members of this House.

Mr. Johnston objected on the score of unnecessary expense.⁶

(4)

Printing.

Resolved — That a standing Committee, of five Members, be forthwith appointed, to superintend the printing of this House during the present Session, and that the said Committee have power to report from time to time.

Ordered — That Mr. *Morris*, the Honourable Mr. *Neilson*, Mr. *Parent*, Mr. *Johnston*, and Mr. *Merritt*, do compose the said Committee.

The following Petitions were severally brought up, and laid on the table.

By Mr. *Merritt*, the Petition of *George Adams*, and others, of the District of *Niagara*;⁷ and the Petition of the North American Committee of the Colonial Society.

Two Petitions
brought up.

DEBATES OF LEGISLATIVE ASSEMBLY

Library.

Mr. Speaker communicated to the House a Report received from the Librarian, of the present state of the Library of the House, pursuant to a Standing Order of the 19th June, 1841; and also,

A Report upon the division of the Books in the Library, belonging to the Legislature of the late Province of *Upper Canada*, between the Legislative Council and Assembly of *Canada*.

[For the said Reports, see Appendix (B.) at the end of this Volume.]

Then on motion of the Honourable Mr. Attorney General *Draper*, seconded by Mr. *Dunlop*,

The House adjourned.

Appendix, 8 September 1842.

((**Notice of Proposed Motions.**))

M. Small, ((donne avis)) qu'il demandera lundi la permission de présenter un bill autorisant les ministres des différentes dénominations de chrétiens en cette province, à célébrer les mariages entre membres de leurs congrégations respectives.⁸

Mr. Small gave notice ... ((of)) a Bill to regulate Elections by Vote by Ballot.⁹

Mr. Price gave notice of an address to the Crown, for a return of all fees, emoluments, &c., received by the Provincial Secretaries.¹⁰

Mr. Price donne avis qu'il fera motion demain pour une copie de la dépêche transmettant au secrétaire d'état pour les colonies le bill passé à la session dernière concernant les élections.¹¹

Mr. Johnston gave notice, that on Monday, he should bring in a bill to disqualify all members in that House, who derived profit from situations held directly under the crown. It was quite impossible, that the business of the country could be conducted honestly, while Members of the House were so fettered.¹²

Mr. Baldwin gave notice, that on Monday, he should move for leave to bring in a Bill regulating Elections.¹³

((**M. Simpson**, donne avis qu'il proposera) ... une adresse demandant un relevé nautique de l'anse au-dessus de la pointe Macpherson.¹⁴

M. Dunlop, ((donne avis)) qu'il donnera jeudi prochain la permission d'introduire un bill pourvoyant à l'entretien du clergé catholique du Haut-Canada.¹⁵

M. H. Smith, ((donne avis)) qu'il proposera lundi prochain la nomination d'un comité pour examiner s'il ne conviendrait pas de changer ou amender certaines parties du règlement de la chambre.¹⁶

M. Cameron, ((donne avis)) qu'il demandera la permission d'introduire un bill pour régler l'inspection et le mesurage des bois de commerce.¹⁷

M. Cartwright, ((donne avis)) qu'il demandera lundi la permission d'introduire un bill tendant à tirer de certains titres entre les mains des exécuteurs testamentaires et des administrateurs un parti plus avantageux aux créanciers, et pour valider certaines ventes ci-devant faites dans le Haut-Canada.¹⁸

((**Notice of Address Re : Beauharnois Canal.**))

Mr. Simpson gave notice of an Address to the Crown, for copies of all Despatches, Surveys, Estimates, &c. &c., relative to the Beauharnois Canal.¹⁹

Mr. Neilson suggested some additional particulars.²⁰

Footnotes — 8 September 1842.

1. The proceedings for this first day of the new legislative session were reported in almost identical terms in : MONTREAL GAZETTE, 9, 12 September 1842 ; MONTREAL TRANSCRIPT, 13 September 1842 ; KINGSTON CHRONICLE, 10 September 1842 ; BRITISH COLONIST, 14 September 1842 ; LA MINERVE, 9, 14 September 1842 ; WESTERN HERALD, 22 September 1842 ; LE CANADIEN, 12, 14 September 1842 ; EXAMINER, 14 September 1842 ; L'AURORE, 14, 15 September 1842 ; and BATHURST COURIER, 13 September 1842. The MONTREAL GAZETTE, 10 September 1842, contains commentaries on the state of excitement prevailing in Kingston among the tradesmen and the other inhabitants.
2. The EXAMINER, 14 September 1842, reports that at this time the members were standing.
3. EXAMINER, 14 September 1842. This was also reported by L'AURORE, 15 September 1842.
4. EXAMINER, 14 September 1842.
5. IBID.
6. IBID.
7. This petition requested that the act of the Niagara District Bank be amended. See L'AURORE, 15 September 1842.
8. L'AURORE, 15 September 1842. This was also reported by the EXAMINER, 14 September 1842.
9. EXAMINER, 14 September 1842. This motion was also mentioned in L'AURORE, 15 September 1842.
10. EXAMINER, 14 September 1842.
11. L'AURORE, 15 September 1842.
12. EXAMINER, 14 September 1842. A commentary on this bill may be found in : MONTREAL TRANSCRIPT, 13 September 1842.
13. EXAMINER, 14 September 1842.
14. L'AURORE, 15 September 1842. See also Mr. Powell's notice of a similar motion on 17 September 1842, p. 215.
15. L'AURORE, 15 September 1842.
16. IBID.
17. IBID. LE CANADIEN, 12 September 1842, reports that this notice was given on 9 September, rather than 8 September.
18. L'AURORE, 15 September 1842.
19. EXAMINER, 14 September 1842.
20. IBID.

Friday, 9 September 1842.¹

(4)

Member takes
oath.

William Walker, Esquire, Member for the County of Rouville, having previously taken the oath, according to Law, and subscribed before the Commissioners, the Roll containing the same, took his seat in the House.

Returns,
Baptisms, &c.

Mr. Speaker laid before the House, General Statements and Returns of Baptisms, Marriages, and Burials, in the Districts of *Quebec, Montreal, and Three Rivers*, for the year 1841, received from the Prothonotaries of the said Districts, in conformity to the Act of the Legislature of the late Province of *Lower Canada*, 6th *George IV.* cap. 8.

[For the said Statements and Returns, see Appendix (C.) at the end of this Volume.]

Two Petitions
brought up.

The following Petitions were severally brought up, and laid on the table.

By Mr. Price, the Petition of *James McCarthy*, and others.

By Mr. Lafontaine, the Petition of *William Rea*, and others, of the Townships of *East and West Gwillimbury*.

Niagara Election
Com. reports.

Mr. Hale, Chairman of the Select Committee appointed to try the merits of the Petition of *Robert Melville*, and *John McBride*, Electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, reported to the House, that they met this day at noon, according to Law, and were obliged to adjourn without proceeding to business, in consequence of the absence of Messieurs, *Quesnel, Chesley Woods, and Thorburn*, Members of the said Committee, without leave of the House.

On motion of Sir *Allan N. MacNab*, seconded by Mr. *Black*,

(5)

Routine of
business.

Resolved — That the ordinary Routine of the daily proceedings in this House, in the transaction of business, be as follows (after reading the minutes of the preceding day) : —

BRINGING UP THE PETITIONS.

THIRD READING OF BILLS.

READING PETITIONS.

REFERRING PETITIONS.

NOTICES TO BE GIVEN.

PRESENTING REPORTS BY STANDING AND

SELECT COMMITTEES.

ORDERS OF THE DAY.

Timber duties,
&c.

The Honourable Mr. *Neilson* moved, seconded by Mr. *Kimber*,² that an humble address be presented to His Excellency, the Governor-General praying that His Excellency will be pleased to cause to be laid before this House any Despatch or Despatches, Addressed by or on the part of the Provincial Government to Her Majesty's Secretary of State for the Colonial Department, on the subject of the joint Address of both Houses of the Legislature, of the twentieth of August, one thousand, eight hundred, and forty one, relating to the Timber Duties, and also of any answers received on the subject matter of the said Address.³

((This was opposed by **Mr. Harrison**) ... on the ground that any proceedings of that nature were premature, and therefore improper and unparliamentary, the Address of His Excellency still remaining unconsidered by the House, and as yet, and until that was considered and answered, there was, as it were, no channel of communication opened between His Excellency and the House.⁵ Mr. Harrison hoped his hon. friend would withdraw the motion until after the speech of His Excellency should be replied to.⁵

Mr. Neilson said they wanted information to be able to reply.⁶

The Hon. **Mr. Draper** said he was sure a large majority of the house was opposed to a motion of the nature proposed. It was not in accordance with a well known principle ... to present an address calling for information before another address now before the house was replied to.⁷ ((He)) was astonished that the Hon. Member, whose experience in such matters was extensive, and who, if he mistook not, had himself, on a former occasion, opposed by his vote a similar proceeding, should insist upon such an address being sent to his Excellency previous to his Excellency's address being taken into the consideration of the House.⁸

((Neilson's motion) was opposed by ... ((**Mr. Dunlop**))⁹.

Mr. Neilson still persisted in his motion and considered that the Dispatches and communications would be of importance in the debate upon the address.¹⁰

Sir Allan MacNab was as anxious for the information as the hon. gentleman himself, but he would rather postpone the motion until the address now before them was answered.¹¹

Mr. Johnston was quite surprised that there should be any opposition made to the motion of the hon. gentleman; he thought the sooner they got the information the better; he would vote for it.¹²

The observations of some of the above named gentlemen, brought **Mr. Aylwin** to his feet, and, in conclusion, he stated, as in the name of the side of the House upon which he was seated, that although the conduct of the gentlemen of the Treasury Benches had, during the last session, been highly discreditable, improper and unparliamentary towards their side of the House, and they might feel justified in pursuing a similar course, yet they felt bound to uphold the Constitution, and conduct themselves consistently and in conformity with Parliamentary usage.¹³

(5)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Pardon to State offenders.

The Honourable **Mr. Neilson** moved, seconded by **Mr. Kimber**, that an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of any Despatch or Despatches addressed by or on the part of the Provincial Government to Her Majesty's Secretary of State for the Colonies, on the subject of the humble Address of this House, for Her Majesty's Free Pardon, Indemnity, and Oblivion, for acts connected with the late troubles in *Upper* and *Lower Canada*, and also a copy of any answer or answers, or correspondence relating to the said Address, received from any of Her Majesty's responsible advisers in *England*.¹⁴

Mr. Harrison objected on the same ground as before, at the same time assuring the House that all possible and necessary information should be laid before them upon this subject as soon as parliamentary usages would permit it.¹⁵

Mr. Aylwin expressed himself satisfied to hear Mr. Harrison say so.¹⁶

(5)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Niagara Election.

Mr. Small moved, seconded by **Mr. Price**, That the Report of the Select Committee appointed to try the merits of the Petition of *Robert*

DEBATES OF LEGISLATIVE ASSEMBLY

Melville and *John McBride*, electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, be now read.

The question having been put upon said motion, a division ensued, and it was carried in the affirmative.

The said report was read accordingly.

Resolved—That such Members of the said Committee as have not yet arrived, in *Kingston*, be excused their non-attendance in the Committee Room this day, pursuant to the Statute in such case made and provided.

Resolved—That such Members of the said Committee as have arrived in *Kingston*, and were not in attendance, in the Committee Room this day, pursuant to the Statute in such case made and provided, be called upon by the Speaker for their excuses.

The said Members being called upon by Mr. Speaker, Messieurs *Woods* and *Chesley*, severally rose in their places and explained the cause of their absence.

Resolved—That Messieurs *Woods* and *Chesley*, having explained the cause of their absence from the Committee, be excused their non-attendance on the said Committee this day in the Committee Room of this House, according to the Statute in such case made and provided.

York Election.

Mr. *Roblin*, Chairman of the Select Committee appointed to try the merits of the Petitions of divers Electors of the second Riding of the County of York and of *Connell James Baldwin*, Esquire, complaining of the undue Election and Return of *George Duggan*, Esquire, the sitting Member for the second Riding of the County of York, reported to the House, that the Honourable *Francis Hincks*, a Member of the said Committee, and Nominee for the Petitioners, having vacated his seat as a Member of the Legislative Assembly, since he was so nominated, and being again returned to represent the same Constituency, the Committee desire the opinion of the House, whether or not the said Honourable *Francis Hincks*, is disqualified from further sitting or acting as a Member thereof.¹⁷

((There was)) some conversation respecting the Inspector General's supposed disqualification to sit as a member of the committee for trying Mr. Duggan's election, he having resigned his seat, and been re-elected¹⁸.

(5)

Then on motion of Mr. *Small* seconded by the Honourable Mr. Attorney General *Draper*,

The House adjourned till Monday next.

Appendix, 9 September 1842.

((Notice of Proposed Motions.))

Mr. Jones gave notice of a motion that an Address be presented to His Excellency, for a statement of the number of Stipendiary and Police Magistrates employed in that part of the Province heretofore Lower Canada; their respective stations; amount of their salaries respectively; the number and nature of the complaints preferred before each of them respectively; and how the same were disposed of; and also a statement of the number of Policemen employed in the same part of the Province, as a Rural Police, shewing their stations, and the annual expense consequent upon their employment — (for 12th instant.)¹⁹

Captain Steele — ((gave notice of a motion)) to introduce a Bill to amend an Act, intituled "An Act to repeal the law now in force in that part of the Province heretofore Upper Canada, for the recovery of small debts," and to make other provisions therefor (sic) — (for 13th inst.)²⁰

((**Mr. Jones** gave notice of a motion)) for a Committee of the whole, to consider the expediency of imposing a duty on the Agricultural products of the States when imported into the Province.²¹

Capt. Steele — ((gave)) notice of motion for a Committee on Agriculture — (for 12th inst.)²²

Mr. Durand — ((gave notice of a motion)) for an Address to His Excellency, for a return of all monies received in the several Districts of that part of the Province heretofore Upper Canada, created and received as a fee fund, by ... virtue of certain Acts of the last Session of the present Parliament also the amount of fees paid, or liable to be paid, to the several District Judges and Clerks thereof.²³

Mr. Williams — ... ((gave notice of a motion for)) an Address to His Excellency, for all instructions to survey, reports, specifications, and estimates, relative to the formation of the plank road now in progress from the head of the Rice Lake to Lake Ontario.²⁴

Mr. Leslie — ((gave)) notice of Bill to restore, for purposes relative to the election of Members of the Legislative Assembly, the ancient boundaries and limits of the city of Montreal — (for 13th inst.)²⁵

Mr. Johnston — ((gave notice of)) Bill to prevent the use of high-pressure engines in boats employed in carrying passengers — (for 18th instant).²⁶

((**Mr. Johnston** — gave notice)) also, of a Bill for the better regulation of the District Treasurer's Offices in Canada West — (for 23d inst.)²⁷

Mr. Draper — ... ((gave notice of)) an Address to Her Most Gracious Majesty Queen Victoria, congratulating Her Majesty on the birth of a Prince of Wales and heir apparent to the Throne.²⁸

((**Mr. Draper** —)) also ... ((gave notice for)) one of a similar nature to His Royal Highness Prince Albert.²⁹

Mr. Draper also ... ((gave notice of)) an Address to Her Majesty, to declare the heartfelt gratitude of Her Majesty's faithful Commons in this Province, that it has pleased Divine Providence to shield their beloved Sovereign from the treasonable attempt of a reckless and wicked assassin, and expressing their earnest prayer that the same Almighty power will continue to watch over, and long to preserve, a life so justly dear to all classes of Her Majesty's subjects — (for 13th inst.)³⁰

Mr. Watts ... ((gave notice of)) an Address to His Excellency for copies of any Despatch or Despatches of record in the Government Offices, either for Canada East or West, touching the season at which the Legislature should be called together — (for 12th inst.)³¹

Mr. Watts ... ((gave notice of)) an Address to His Excellency, for a statement setting forth the disbursements of the Provincial Government for Canada East, for Queen's Counsel ; for every six months, from 1832 up to present date, exclusive of the sums paid for prosecuting persons accused of political offences before the Court Martial at Montreal — (12 instant).³²

Mr. Watts — ((gave notice of a)) motion for an Address to His Excellency, for a statement of whatever money has been borrowed by the Province, on account of any vote of the last Session of the Provincial Parliament, together with the rate of interest at which it has been borrowed — (for 12th inst.).³³

Mr. Watts — ((gave notice)) for an Address to His Excellency for a statement of the annual contingent expenses of the late office of the Secretary of the Province of Lower Canada, during the time Mr. Daly filled the office, as well as for the ten years immediately preceding his appointment. — (Same day.)³⁴

Mr. Watts — ((gave notice)) for an Address to His Excellency, for information as to the forms observed for issuing money from the public chest, from the time of ordering the warrant up to the time of paying the money. — (Same day.)³⁵

Mr. Watts — ((gave notice)) for an Address to His Excellency, for copies of papers, relating to the case of J. Brack, of Wendover, which have been addressed to the office of the Secretary, either before or since the union of the Provinces — (Same day.)³⁶

Mr. Watts — ((gave notice)) for an Address to His Excellency, for a copy of the despatch from the Secretary of State, reporting Mr. Murdoch's appointment, his rate of salary, and how it was to be paid — (Same day.)³⁷

DEBATES OF LEGISLATIVE ASSEMBLY

Mr. Watts — ((gave notice)) for an Address to His Excellency, for a copy of any despatch or despatches ... ((from)) Her Majesty's Secretary of State for the Colonies, to the Provincial Government, relative to the Blue Book, since its first institution. — (Same day.)³⁸

Mr. Watts — ((gave notice)) for an Address to His Excellency, for copies of any despatch or despatches, directing that a copy of the Blue Book should be laid before the Provincial Parliament every year. — (Same day.)³⁹

Mr. Durand — ((gave)) notice of motion for leave to bring in a Bill to protect the agricultural interests of this Province, by imposing certain duties on American produce, now imported duty free.⁴⁰

((**Mr. Durand** — gave notice)) ... of a Bill to alter and amend the law relative to the Dundas and Waterloo Turnpike Trust.⁴¹

Mr. Morris, ... ((gave notice)) of a Bill to alter and amend the Jury Laws of Canada West.⁴²

Mr. Neilson — ((gave)) notice of motion that the entry in the Journals of the last Session of the 13th September last, of the resolutions of the House⁴³, on the subject of the loss in the Legislative Council of the Bill for preventing any failure of justice, on certain outrages alledged as having occurred during the late general election in the Counties of Terrebonne, Vaudreuil, Beauharnois, Chambly, and Rouville, be received and read, and that the petitions referred to in the said Bill and Reports, be also read; also that a Special Committee of Members be appointed, to proceed to the enquiry ordered in the said resolutions, to report, with all convenient speed, and that the said Committee have power to send for persons, papers, and records. — (For 12th instant.)⁴⁴

Mr. Aylwin, ... ((gave notice)) of a Bill to secure the independence of the Judges in Canada East.⁴⁵

Mr. Walker handed in several notices of motions ((to be made)) on Monday.⁴⁶

((**Petitions presented.**))

((**Mr. Williams** presented)) several petitions for individual interests.⁴⁷

((**Motion Re : Altering Time for House Sittings.**))

Mr. Price moved for a committee to have an alteration made in the time of the house holding its sittings.⁴⁸

Footnotes — 9 September 1842.

1. KINGSTON CHRONICLE, 10 September 1842, EXAMINER, 14 September 1842, and MONTREAL GAZETTE, 12 September 1842, in identical reports, mention that the proceedings of this day began at three o'clock. Commentaries on these proceedings are found in: LE CANADIEN, 12 September 1842; MONTREAL GAZETTE, 12 September 1842; BRITISH COLONIST, 14 September 1842; and LA MINERVE, 14 September 1842. According to LA MINERVE, 14 September 1842, and LE CANADIEN, 12 September 1842, little of interest happened on this day.

2. According to the BRITISH COLONIST, 14 September 1842, it was Mr. Black and not Dr. Kimber who seconded the motion.

3. The debate on this motion was reported in identical accounts in: KINGSTON CHRONICLE, 10 September 1842; MONTREAL TRANSCRIPT, 13 September 1842; and EXAMINER, 14 September 1842. Other reports are found in: MONTREAL GAZETTE, 12 September 1842; BRITISH COLONIST, 14 September 1842; and WESTERN HERALD, 22 September 1842. LE CANADIEN, 14 September 1842, and LA MINERVE, 14 September 1842, both comment on this debate.

4. MONTREAL GAZETTE, 12 September 1842.

5. BRITISH COLONIST, 14 September 1842.

6. IBID.

7. IBID.

8. MONTREAL TRANSCRIPT, 13 September 1842.

9. MONTREAL GAZETTE, 12 September 1842.

10. MONTREAL TRANSCRIPT, 13 September 1842.

11. BRITISH COLONIST, 14 September 1842.

12. IBID.

13. MONTREAL GAZETTE, 12 September 1842.

14. The EXAMINER, 14 September 1842, MONTREAL TRANSCRIPT, 13 September 1842, and KINGSTON CHRONICLE, 10 September 1842, gave identical reports of the debate arising from this motion, which is also reported in BRITISH COLONIST, 14 September 1842, and commented on in LE CANADIEN, 14 September 1842, and LA MINERVE, 14 September 1842.

15. MONTREAL TRANSCRIPT, 13 September 1842.

16. IBID.

17. The discussion upon this question was reported in identical accounts in : KINGSTON CHRONICLE, 10 September 1842 ; EXAMINER, 14 September 1842 ; and MONTREAL TRANSCRIPT, 13 September 1842.

18. MONTREAL TRANSCRIPT, 13 September 1842.

19. MONTREAL GAZETTE, 15 September 1842. This was also reported by L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; and LA MINERVE, 14 September 1842.

20. MONTREAL GAZETTE, 15 September 1842. This was also reported by L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; LA MINERVE, 14 September 1842 ; and BRITISH COLONIST, 14 September 1842. See also : footnotes 51 and 52 in the Appendix of 20 September 1842.

21. MONTREAL TRANSCRIPT, 17 September 1842. See also : LA MINERVE, 14 September 1842.

22. MONTREAL GAZETTE, 15 September 1842. This was also reported by L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

23. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

24. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

25. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; and LA MINERVE, 14 September 1842.

26. MONTREAL TRANSCRIPT, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; LA MINERVE, 14 September 1842 ; and MONTREAL GAZETTE, 12 September 1842.

27. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

28. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 13, 17 September 1842 ; EXAMINER, 14 September 1842 ; KINGSTON CHRONICLE, 10 September 1842 ; MONTREAL GAZETTE, 12 September 1842 ; and BRITISH COLONIST, 14 September 1842.

29. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; and LA MINERVE, 14 September 1842.

30. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL GAZETTE, 12 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; and LA MINERVE, 14 September 1842.

31. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

32. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

33. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; and LA MINERVE, 14 September 1842.

34. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL GAZETTE, 12 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; and LA MINERVE, 14 September 1842.

35. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

36. IBID

37. MONTREAL TRANSCRIPT, 17 September 1842.

38. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

39. MONTREAL GAZETTE, 15 September 1842.

40. IBID.

41. MONTREAL TRANSCRIPT, 17 September 1842. See also : L'AURORE, 15 September 1842.

42. IBID. L'AURORE reports this as introduction of « un bill pour changer et amender les lois du Haut-Canada sur l'usure. »

43. MONTREAL GAZETTE, 15 September 1842. See also : LA MINERVE, 14 September 1842.

44. MONTREAL GAZETTE, 15 September 1842. See also : L'AURORE, 15 September 1842 ; MONTREAL TRANSCRIPT, 17 September 1842 ; and LA MINERVE, 14 September 1842.

45. MONTREAL TRANSCRIPT, 17 September 1842. See also : L'AURORE, 15 September 1842 ; and LA MINERVE, 14 September 1842.

46. BRITISH COLONIST, 14 September 1842.

47. MONTREAL GAZETTE, 12 September 1842. See also MONTREAL GAZETTE, 15 September 1842 ; and MONTREAL TRANSCRIPT, 17 September 1842.

48. BRITISH COLONIST, 14 September 1842.

Monday, 12 September 1842.¹

Members take oath.

Champlain and St. Lawrence Rail Road.

11 Petitions brot. up.

(5)

Abraham Turgeon, Esquire, Member for the County of Bellechasse, and Denis Benjamin Papineau, Esquire, Member for the County of Ottawa, having previously taken the oath according to Law, and subscribed, before the Commissioners, the Roll containing the same, took their seats in the House.

Mr. Speaker laid before the House, a Statement of the affairs of the "Champlain and St. Lawrence Rail Road" as required by the 49th Section of the Act 2nd Will : IV. cap. 28, of the late Province of Lower Canada.

[For the said Statement see Appendix (D.) at the end of this Volume.]

The following Petitions were severally brought up, and laid on the table.²

By the Honourable Mr. Neilson, the Petition of the Minister, Elders, and Trustees of St. Andrew's Church of Quebec.

By Mr. Durand, the Petition of divers Inhabitants, of the Township of Wilmot.

By Mr. Small, the Petition of Franklin White, and others, Inhabitants of Markham, and other places.

By Mr. Boutilier, the Petition of the Municipal Council of the District of St. Hyacinth.

By Mr. Forbes, the Petition of J. Lefebvre de Bellefeuille, and others, of the Parish of St. Eustache.

By Mr. Yule, the Petition of divers Proprietors and Inhabitants of the County of Chambly.

By the Honourable Mr. Jones, the Petition of Charles Miller, of St. Armand.

By Mr. Boswell, the Petition of George S. Boulton, of Cobourg; and the Petition of Malcom McGregor, and others, of Peterborough.

By Mr. Roblin, the Petition of Robert C. Wilkins, and others, of the Township of Ameliasburg, in the Prince Edward District.

By Mr. Moore, the Petition of the Municipal Council of the District of Sherbrooke.³

((The object of the latter petition was to)) amend the Municipal and School acts.⁴ ((This petition was)) signed by the Chairman of a meeting in the name of the petitioners, whereas their signatures individually are necessary.⁵

The Speaker ((**Mr. Cuvillier**)) said the petition could not be received, for there was but a single signature to it, and the words "we, the petitioners" occur all through; therefore it would lead to a most extraordinary line of conduct if such a thing was allowed. The seal of the body from whom it came was not attached to it; and it was also understood that a petition calling for change in the constitution of its councils, should have the seal of the body attached.⁶

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Pursuant to the order of the day, the following Petitions were read : —

Niagara Dist. Bank.

Of *George Adams*, and others, of the District of *Niagara*, praying that a certain provision of the Act to incorporate the *Niagara* District Bank may be repealed.

N.A. Colonial Society.

Of the *North American Committee* of the Colonial Society, setting forth the importance of a free trade with *Great Britain* in the agricul-

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tural productions of *British North America*, and praying that a duty may be laid on the importation of those productions, to protect the farmers of this Province from the competition of Foreigners.

Jas. McCarthy.

Of *James McCarthy*, and others, praying for amendments to the District Council Act.⁷

((This petition)) was calling on the house to allow the councillors payment for the loss of their time.⁸

The Speaker ((**Mr. Cuvillier**)) pronounced it informal, and objected to it on the ground of the language of the petition being disrespectful to the House; passages were read to the effect that they were compelled to act whether it suited them or not without any reward, they were driven like an ox to the slaughter, &c.⁹

Mr. Aylwin hoped this petition would be received. He contended that the people had a right to address the House upon this subject, and to complain of the grievances to which they are subjected. They receive nothing for their pains and inconvenience, and if Honorable members were entitled to indemnity for their attendance here, why should they not receive indemnification. The language he did not consider the most appropriate, and the image of the ox going to the slaughter had too much of the butcher about it; but he should be sorry to see the petition so disposed of. The right of petition he held to be a thing sacred, and not to be lightly treated, and went on to denounce the proceedings as too *formal* and *captious*.¹⁰

((Here Mr. Aylwin was)) called to order by the Speaker ((**Mr. Cuvillier**)).¹¹

((**Mr. Aylwin** continued :)) He contended for the right of petitioners to use what language they pleased; it was a sacred right, and no petition ought to be so disposed of. When he looked to the language in which the petitions were often sent to the British Legislature, it was frequently more offensive than this, but that was no ground for their being rejected there, and we ought to follow their example so far. He objected to the course taken with these petitions, hoped they would be received, and would vote for their being laid on the table of the House.¹²

Sir Allan MacNab, thought it would be well to receive the petitions, and allow them to remain on the table for a few days, until they could have an opportunity of ascertaining the laws of the House upon the point.¹³

Mr. Price moved, and **Mr. Baldwin** seconded, that the petition be now received.¹⁴ Mr. Price, said that if it were the pleasure of the House, that the objectionable words should be removed.¹⁵

Mr. Hincks expressed himself satisfied, from the signatures he saw attached to it, that the petitioners did not mean any disrespect to this House in the language of the petition. He knew some of the names attached to it, and was certain they would be incapable of intentional disrespect. Besides, many of the petitions presented to the Governor General were worded in coarser language, and attended to without that being made a ground of objection, and on these grounds he hoped the objection would be withdrawn.¹⁶

Dr. Dunlop, believed that he was one of the youngest members of that House, with the exception of his hon. friend, Mr. Neilson; he agreed with some of his hon. friends that the petition coming from those clod-hopping constituents, "order!" was framed more in ignorance than disrespect. The very amendments prayed for in that petition were identically the ones he intended proposing to the House himself. He contended that the allegations of the petition were untrue, for they cannot be compelled to accept office unless they like, and that was one of the beauties of the Act. If, however, any honorable member pledged himself that it is not from disrespect, but ignorance, then he would give his voice for its being received.¹⁷

Mr. Smith. — Without meaning any disrespect to the chair, he thought that the petition ought to be received, when there was no intentional disrespect on the part of the petitioners, and although he would object on the ground of informality, he would not do so on account of the language in which the petition was couched.¹⁸

Mr. Johnston contended that there was no informality in it, and that it contained more truth than poetry, for they pushed it down their throats; the language of the petition shewed that they knew what was pure. The assertion of some of the gentlemen in reference to it being optional whether to receive office or not was not true, and he contended that there was no irregularity in it, and it ought to be received.¹⁹

Mr. Baldwin would state his reasons why the petition ought to be received. He considered it was not so worded as to warrant its rejection. He would not ground his reasons for admitting it upon the ignorance of the parties who signed the petition, for they were some of the most respectable and intelligent yeomanry of the 4th Riding of York, and he was confident they did not want it received on the ground of ignorance. Neither did he consider that they ought to receive it in consequence of the precedent set them by the head of the government, receiving petitions couched in similar language. If they did not know the respect due to himself, this house ought to have a proper respect for itself.²⁰

Mr. Simpson adverted to the rules of the house upon petitions, the first of which was, that the member who introduces a petition is answerable for the petion (sic) which he presents.²¹

The petition (sic) was then put to the vote of the house and carried.²²

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Inhabitants of E. & W. Gwillimbury.

Of *William Rea*, and others, of the Townships of *East* and *West Gwillimbury*, praying that a certain portion of the Township of *West Gwillimbury* be annexed to the *Home District*.

Niagara Election.

Mr. *Hale*, Chairman of the Select Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, Electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, reported to the House, that the Committee met on the tenth instant, at ten o'clock, A.M., according to law, and were obliged to adjourn, without proceeding to business, in consequence of the absence of Messieurs *Quesnel* and *Williams*, without leave of the House.

Duty on agricultural products.

On motion of the Honourable Mr. *Jones*, seconded by Mr. *Hale*,
Resolved — That this House will, on Wednesday next, resolve itself into a Committee of the whole House, to take into consideration the expediency of imposing a Duty on the Agricultural Products of the neighbouring States, when imported into this Province.

Mr. Thorburn ((moved)) that a Select Committee of five be appointed, to superintend the contingent expenses of the House, with power to report from time to time²³.

Mr. Aylwin proposed as an amendment, the appointment of nine Members as the Committee.²⁴

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Contingencies.

On motion of Mr. *Thorburn*, seconded by Mr. *Simpson*,
Resolved — That a Special Committee of nine Members be appointed, to whom the Contingent Accounts and Expenses of this House, during the present Session, shall be referred, with power to report from time to time, and to send for persons, papers, and records.

Ordered — That Mr. *Thorburn*, Mr. *DeWitt*, Mr. *Cartwright*, Mr. *Leslie*, Mr. *Merritt*, Mr. *Morris*, Mr. *Parent*, the Honourable Mr. *Neilson*, and Mr. *Aylwin*, do compose the said Committee.

Rules of the House.

Mr. *Henry Smith* moved, seconded by Mr. *Merritt*, That a Committee of five Members be appointed, to take into consideration the pro-

priety of altering or amending certain Rules of this House, adopted at its last Session.²⁵

Mr. H. Smith stated that the rule which he particularly desired should be amended, was that requiring the payment of £20 on the introduction of Private Bills into the House.²⁶

This was ... opposed by **Messrs. — Neilson, Baldwin, Aylwin, Dunlop** and **J.S. MacDonald**, as tending to favour the objects of speculators at the public expense.²⁷

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The question having been put upon the said motion, a division ensued, and it passed in the negative.

Printing.

Resolved — That **Mr. Merritt** be excused from serving on the standing Committee, appointed to superintend the Printing of this House, during the present Session, and that the House do now proceed to appoint another Member.

Ordered — That **Mr. DeWitt** be added to the said Committee.

Lower Canada
contested
Elections.

On motion of the Honourable **Mr. Neilson**, seconded by the Honourable **Mr. Baldwin**,

Ordered — That the entry in the Journals of this House, of the last Session, of the thirteenth September last, of the Resolutions of the House, on the subject of the loss, in the Legislative Council, of the Bill for preventing any failure of Justice on certain outrages, alledged as having occurred during the late General Elections in the Counties of *Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly, and Rouville*, be now read; and that the Petitions referred to in the said Bill be also read.

The said Entry and Petitions were read accordingly.

After the resolution had been read, **Mr. Dunscomb**, member for Beauharnois, called for the reading of the petition relating to the election for that county; which being done, he called on the member for Leinster, (**Mr. DeWitt**) who was one of the petitioners, to say if the allegation in the petition, that some were killed during the election, was true.²⁸

Mr. DeWitt gave an ... explanation, from which it seemed that this allegation was not correct; for though some were grievously wounded and left for dead, none had actually died. **Mr. DeWitt** saw some persons who were knocked down, as a butcher knocks down an ox, and also some who were brought into the house apparently dead, but they had afterwards recovered.²⁹

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Resolved — That a Special Committee, of seven Members, be appointed, to proceed to the enquiry mentioned in the said Resolutions — to report with all convenient speed, and that the said Committee have power to send for persons, papers, and records.

Ordered — That the Honourable **Mr. Neilson**, **Mr. Quesnel**, **Mr. Roblin**, the Honourable **Mr. Baldwin**, the Honourable **Mr. Attorney-General Draper**, **Mr. Holmes** and **Sir Allan N. MacNab**, do compose the said Committee.

Election Bill.

Ordered — That the Honourable **Mr. Baldwin** have leave to bring in a Bill to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House,

Mr. Baldwin introduced his bill ... observing, that it was the same as had passed the House and Council, last session, and been reserved for her Majesty's sanction. He was not aware whether the members of Government could give any information as to whether that bill would be sanctioned or not; but to mark the sense of the House on the subject, he had introduced the bill afresh.³⁰

Mr. Harrison said that, in the present position of the House, he could not give any official information on the subject: but he had reason to believe that the bill of last session would be sanctioned.³¹

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and the same was received and read for the first time, and ordered to be read a second time, on Monday, the twenty-sixth instant.

Limits of
Montreal bill.

Ordered — That Mr. *Leslie* have leave to bring in a Bill to restore, for purposes relative to the election of Members of the Legislative Assembly, the ancient boundaries and limits of the City of *Montreal*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Bill for measure-
ment of timber,
masts, &c.

Ordered — That Mr. *Cameron* have leave to bring in a Bill to regulate the inspection and measurement of timber, masts, spars, deals, staves and other articles of a like nature, and for other purposes relative to the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Bill to render
lands more
available as
assets.

Ordered — That Mr. *Cartwright* have leave to bring in a Bill, to render lands in the hands of Executors and Administrators more available, as assets, for the payment of debts.

He accordingly presented the said Bill to the House,

Mr. Cartwright ... stated that the bill was a copy of the English act, on the same subject, with a clause added to confirm sales made by Executors and Administrators.³²

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and the same was received and read for the first time, and ordered to be read a second time, on Monday the twenty-sixth instant.

Judge's Inde-
pendence Bill.

Ordered — That Mr. *Aylwin* have leave to bring in a Bill for better securing the independence of the Judges.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

York Election
Committee.

On motion of Mr. *Aylwin*, seconded by Mr. *Henry Smith*,

Resolved — That the Honourable *Francis Hincks*, a Member of the Select Committee, appointed to try the merits of the Petitions of divers Electors of the Second Riding of the County of York, and of *Connell James Baldwin*, Esquire, complaining of the undue election and return of *George Duggan*, Esquire, the sitting Member for the said Second Riding of the County of York, and the Nominee of the Petitioners against the return of the said *George Duggan*, having vacated his seat in this House during the recess, has, although re-elected for the same County, ceased to be a Member of the said Committee, and is legally incompetent to serve upon the said Committee, unless re-appointed.

The order of the day, for taking into consideration the Speech of His Excellency, the Governor-General, delivered to both Houses of the

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Provincial Legislature, at the opening of the present Session, being read,³³

Mr. Harrison, ((moved)) that it should be postponed till tomorrow; he stated he had consulted with the Members on the opposite side of the House, who had consented to it.³⁴

Sir Allan MacNab wished some more plausible reason for its postponement than the mere consent of Mr. Baldwin, the leader of the Opposition, that it required instant attention,

and he thought His Excellency would be better pleased were it done speedily.³⁵ The Government members had already refused to give important information that had been asked for, on the ground, that the House had not answered his Excellency's speech; and now, when they were ready to answer it, they asked for delay.³⁶

Mr. Duggan said, no reason had been given for adjourning, except that the other side were willing, which was no reason at all.³⁷

Mr. Johnston also demanded a reason, and wished to know if the day had arrived when "the lion and the lamb should lie down together" — he adhered to no party — wished to get through the business in a statesmanlike manner, and would oppose the granting of delay for individual accommodation.³⁸ The member for Kingston asked for delay, and what was it for? Was it because he had another office ready to give to some member?³⁹

Mr. Moffatt said, that the independent members of the House, who cared neither for office holders nor office seekers, had been forgotten, by the two sides, who had agreed to the adjournment.⁴⁰

Mr. Dunlop said, that those who lived in Kingston, and had fat berths, might not care about spending time; but he and many others had come from far, and had business at home requiring their attention; and, therefore, he wished to hasten their work.⁴¹

Mr. Aylwin said that he would allow the delay. The opposition could afford it to the gentlemen on the other side, and they felt disposed to grant their request.⁴² Demain serait le jour où les ministres auraient occasion de voir si le pays avait ou non confiance en eux.⁴³

Il y a eu ... quelques mots d'échangés entre **Messieurs Draper, ... Baldwin, Neilson** ⁴⁴.

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Ordered — That the said order of the day be postponed until tomorrow, and that it be then the first order of the day.

Then, on motion of **Mr. Aylwin**, seconded by **Mr. Price**,
The House adjourned.

Then **Mr. Aylwin** moved, that the House meet at 11 o'clock, A.M., instead of 3 P.M. He said that as the House had agreed to adjourn, he hoped they would agree to meet earlier; and that the members on the Treasury benches would come prepared. It was time for his Excellency the Govenor-General (sic) to know the opinion of the House and the country, on the members and measures of his government. He had his Council, who were supposed to be his advisers, although there might be other advisers, unknown to that House, but known to the country — men who come out here to play the part of Ambassadors or Kings, as if they were invested with all the power of the British empire. It was time that his Excellency should hear other opinions, and other advice. It was time that this House should make itself heard, and let the Governor-General know what they think of the men who have occupied the Treasury benches, for the last session, and three days of this.⁴⁵

((There was)) some conversation⁴⁶.

The motion was withdrawn ((by **Mr. Aylwin**))⁴⁷.

((It was decided that)) the House will meet at 3.⁴⁸

Appendix, 12 September 1842.

((Notice of Proposed Motions.))

Mr. Johnston.⁴⁹ — ((Gave notice of)) an address for copies of all correspondence from the Colonial Office to the Governor General, also of any report of Commissions touching tenure of lots of land in Bytown, being part of lot letter A. purchased by the late Earl of Dalhousie on behalf of the Government.⁵⁰ Thursday.⁵¹

Sir Allan MacNab gave notice of a motion for leave to bring in a Bill to secure the independence of the Bar of this Province.⁵²

Mr. Duggan⁵³ — ((gave notice of a motion)) for the appointment of a Select Committee to enquire into all Government Offices, except those of the Judges of the Court of Queen's Bench, and the Vice Chancellor of the Court of Chancery, the emoluments of any of which exceed £300 per annum, with a view of laying a tax thereon, not exceeding 10 per cent, to be applied to the purposes of roads, &c. under the controul of the District Councils.⁵⁴

Mr. Hale — ((gave notice)) of a motion to adjourn from Friday to Saturday, instead of Monday, as heretofore.⁵⁵

Mr. Hamilton⁵⁶ — ((gave notice)) for a return of the Commissioner of Crown Lands for Gaspé from the year 1836⁵⁷ to 1842, the amount of monies remitted during said years, also amount of timber cut by certain persons thereon during said period.⁵⁸

Mr. Jones⁵⁹ — ((gave notice of a)) Bill to amend the Registry Bill, with a view of extending the time for registering acts affecting real property passed before 31st December, 1841.⁶⁰

Dr. Dunlop⁶¹ — ((gave notice of a motion)) to repeal an Act, levying duty on ((imported)) salt⁶² employed in the fisheries at Gaspé.⁶³

Sir A. MacNab⁶⁴ — ((gave notice of a)) ... Bill to secure the independence of Parliament.⁶⁵

Mr. Duggan⁶⁶ — ((gave notice)) for a Select Committee to enquire into the monetary affairs of the Province, and the cause of the present commercial distress.⁶⁷

Mr. Merritt⁶⁸ gave notice that on Wednesday, he would move for a committee of the whole house to take into consideration the boundary of Kingston.⁶⁹

Mr. Jones⁷⁰ gave notice that he would on Wednesday next, bring in a bill for the purpose of imposing a duty on all agricultural produce imported into this country.⁷¹

Dr. Kimber⁷² — ((Gave notice of)) an address for last Reports of Commissioners and Secretary of the Board of Militia Claims for Lower Canada, and copies of instructions to Commissioners of Crown Lands on that subject, and subsequent to the existence of the Board.⁷³

Mr. Merritt⁷⁴ — ((gave notice of)) a Bill to continue and amend the Act for the appointment of Boundary Commissioners.⁷⁵

Mr. Hamilton — ((Notice of an)) address for licenses granted and timber cut on the Crown Lands in Bonaventure, from 1835 to 1842 inclusive, &c.⁷⁶

((Question Re : Lower Canada Judicature.))

M. Aylwin ((a)) interpellé le Ministère pour savoir s'il proposait de s'occuper de la judicature du Bas-Canada.⁷⁷

((Il n'y eut pas de réponse.))⁷⁸

Footnotes — 12 September 1842.

1. "At the meeting of the House today, at the usual hour of three, a great crowd was in attendance, anxious to hear the expected debate on the reply to His Excellency's Speech. Many ladies were also present, whose presence served to enliven the scene, and render the prosiness of the place less irksome; it even tempted some of the Members into flights of eloquence and wit, on subjects which ne'er before had been coupled with those *sublimities*. They were in waiting for upwards of an hour previous to the opening of the House, but their attractions failed to move the *seemingly-hard* heart of the Sergeant-at-Arms, who, in the execution of his office, was under the very disagreeable necessity of excluding them during the reading of the minutes, and all were put on an equality as to obtaining seats." MONTREAL GAZETTE, 15 September 1842.

2. "Several petitions were rejected by the Speaker, ((Mr. Cuvillier)) on account of informality — Capt. Steele's petition of the Municipal Council of the Home District; the petition of the township of Brock, relating to the separation of the County of Simcoe; Mr. Price's petition of the Municipal Council of the Home District, relating to taxation.

Certain petitions relating to Macadamized Roads. A petition presented by Mr. Durand relating to the reserved lands of West Woolwich and Nichol; and the petition of the Municipal Council of the District of Wellington; Mr. Hopkins's (sic) petition of the Municipal Council of the Gore District.

The Speaker rejected these petitions on the grounds of informality. Those that came from corporate bodies, he said, should have the seal of office attached; some of the petitions were not signed, and others had not the signatures upon the same sheet with the petition." KINGSTON CHRONICLE, 14 September 1842. The MONTREAL GAZETTE, 15 September 1842, also commented on certain petitions: "Those of the District Councils particularly, were without their respective seals, necessary for their authentication; others signed on separate sheets of paper...." In addition, the KINGSTON CHRONICLE, 14 September

1842, reported that: "Dr. Dunlop presented a petition from the Home District, praying that the house might define its powers. This petition was also objected to because coming from a corporate body it had no seal of office attached." All these petitions were also reported in BRITISH COLONIST, 24 September 1842; and L'AURORE, 20 September 1842.

3. The comments following the presentation of this petition were reported by: BRITISH COLONIST, 24 September 1842; and MONTREAL GAZETTE, 15 September 1842.

4. BRITISH COLONIST, 24 September 1842.

5. MONTREAL GAZETTE, 15 September 1842.

6. BRITISH COLONIST, 24 September 1842.

7. This debate was reported by: KINGSTON CHRONICLE, 14 September 1842; MONTREAL GAZETTE, 15 September 1842; BRITISH COLONIST, 24 September 1842; ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.

8. BRITISH COLONIST, 24 September 1842.

9. KINGSTON CHRONICLE, 14 September 1842.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. MONTREAL GAZETTE, 15 September 1842.

24. IBID.

25. This debate was reported by MONTREAL GAZETTE, 15 September 1842; BRITISH COLONIST, 24 September 1842; and ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.

26. MONTREAL GAZETTE, 15 September 1842.

27. IBID.

28. ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.

29. IBID.

30. IBID.

31. IBID.

32. IBID.

33. This debate was reported by: MONTREAL GAZETTE, 15 September 1842; ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD; BRITISH COLONIST, 21 September 1842; LA MINERVE, 16 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; and L'AURORE, 22 September 1842. LA MINERVE, 16 September 1842, also gives a commentary.

34. MONTREAL GAZETTE, 15 September 1842.

35. IBID.

36. ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.

37. IBID.

38. MONTREAL GAZETTE, 15 September 1842.

39. ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.

40. IBID.

41. IBID.

42. BRITISH COLONIST, 21 September 1842.

43. LA MINERVE, 16 September 1842.

44. IBID.

45. ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.

46. IBID.

47. IBID.

48. IBID.

49. Johnston's proposed motion was reported by: MONTREAL GAZETTE, 15 September 1842; BRITISH COLONIST, 24 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; and L'AURORE, 22 September 1842.

50. MONTREAL TRANSCRIPT, 17 September 1842.

51. MONTREAL GAZETTE, 15 September 1842.

52. IBID.

53. Duggan's proposed motion was reported by: ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD; MONTREAL GAZETTE, 15 September 1842; BRITISH COLONIST, 24 September 1842; LE CANADIEN, 16 September 1842; LA MINERVE, 16 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; and L'AURORE, 22 September 1842.

54. MONTREAL TRANSCRIPT, 17 September 1842.

55. MONTREAL GAZETTE, 15 September 1842.

56. This was reported by: MONTREAL GAZETTE, 15 September 1842; BRITISH COLONIST, 24 September 1842; LA MINERVE, 16 September 1842; and L'AURORE, 22 September 1842.

57. THE BRITISH COLONIST, 24 September 1842, gives the date "1826" instead of "1836". In fact the actual dates of the address as reported in the JOURNALS were 1835-1842.

58. MONTREAL GAZETTE, 15 September 1842.

59. This was reported by: MONTREAL GAZETTE, 15 September 1842; BRITISH COLONIST, 24 September 1842; LE CANADIEN, 16 September 1842; LA MINERVE, 16 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; and L'AURORE, 22 September 1842.

60. MONTREAL TRANSCRIPT, 17 September 1842.

61. This was reported by: MONTREAL GAZETTE, 15 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; and L'AURORE, 22 September 1842.

DEBATES OF LEGISLATIVE ASSEMBLY

62. MONTREAL GAZETTE, 15 September 1842.
63. MONTREAL TRANSCRIPT, 17 September 1842.
64. This was reported by: L'AURORE, 22 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; LA MINERVE, 16 September 1842; and ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.
65. MONTREAL TRANSCRIPT, 17 September 1842.
66. This was reported by: L'AURORE, 22 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; LA MINERVE, 16 September 1842; and ST. CATHARINES JOURNAL, 15 September 1842, edited from KINGSTON HERALD.
67. MONTREAL TRANSCRIPT, 17 September 1842.
68. This was reported by: BRITISH COLONIST, 24 September 1842; and L'AURORE, 22 September 1842.
69. BRITISH COLONIST, 24 September 1842.
70. This was reported by: BRITISH COLONIST, 24 September 1842; and LE CANADIEN, 16 September 1842.
71. BRITISH COLONIST, 24 September 1842.
72. This was reported by: LA MINERVE, 16 September 1842; MONTREAL TRANSCRIPT, 17 September 1842; and L'AURORE, 22 September 1842.
73. MONTREAL TRANSCRIPT, 17 September 1842.
74. This was reported by: MONTREAL TRANSCRIPT, 17 September 1842; and L'AURORE, 22 September 1842.
75. MONTREAL TRANSCRIPT, 17 September 1842.
76. IBID.
77. LE CANADIEN, 16 September 1842.
78. IBID.

Tuesday, 13 September 1842.¹

10 Petitions
brought up.

(7)

The following Petitions were severally brought up, and laid on the table :—

By the Honourable Mr. Neilson, the Petition of *John Bonner* and *William Petry*, of *Quebec*.²

By Mr. Thompson, the Petition of *Richard Brown*, and others, of the County of *Haldimand*.³

By Mr. Barthe, the Petition of *E. Cox*, and others, of the Township of *Kingsey*, and other places.⁴

By Mr. Thorburn, the Petition of the Municipal Council of the District of *Niagara*, relating to District and Common School Acts; the Petition of the Municipal Council of the District of *Niagara*, relating to Assessments; the Petition of the Municipal Council of the District of *Niagara*, relating to Free Trade with *Great Britain*; the Petition of the Municipal Council of the District of *Niagara*, relating to the *Queenston Road*; the Petition of the Municipal Council of the District of *Niagara*, relating to Roulette Tables, and other idle games; and the Petition of the Municipal Council of the District of *Niagara*, relating to the District Town.⁵

By Mr. Simpson, the Petition of Messieurs *Macpherson, Crane*, and Company, and others.⁶

Speech.

The order of the day for taking into consideration the Speech of His Excellency, the Governor General, delivered to both Houses of the Provincial Legislature at the opening of the present Session, being read :⁷

A long pause ensued, during which **Sir Allan MacNab**, and several of the independent members of the House, frequently cried out ‘question,’ ‘question.’⁸

Res. in answer
to Speech.

(7)

Mr. Forbes, moved to resolve, seconded by Mr. J.S. Macdonald, That an humble Address be presented to His Excellency, the Governor General, to thank His Excellency for His gracious Speech from the Throne :

To congratulate His Excellency upon his arrival in this Province, as the Representative of our Most Gracious Sovereign :

To assure His Excellency that we are fully aware that the melancholy event that marked the end of last Session, and which is fresh in our memory, and our regrets, left to His Excellency the arduous task of maturing and carrying into effect numerous important measures of the last Session, and that it must have caused a corresponding necessity for delay in assembling this Provincial Parliament :

That the announcement of several events of great public interest, which have occurred, since the last meeting of the Provincial Parliament, requires, likewise, the expression of thanks to His Excellency; and that we cordially join in His Excellency’s acknowledgement of the Mercy of Providence, which has directed these events for the security and advantage of this Province, and of the British Empire :

That we, in common with all Her Majesty’s faithful subjects, do sincerely rejoice in the birth of a Prince, destined under God’s protection, to occupy the British Throne ; and that we shall gladly avail

ourselves of the opportunity afforded, by the present Session, to offer to the Queen, and Her August Consort, our hearty congratulations upon this event, so conducive to their domestic happiness, and so auspicious to the nation :

That we unite in one voice in thanksgiving to Almighty God, that He has been pleased to avert from our beloved Sovereign the danger to which she has been exposed, by the wicked and treasonable attempt of an assassin ; and that we fervently join in the Prayer that He will continue to watch over, and long preserve, a life so justly dear to all classes of Her Majesty's subjects :

That we thank His Excellency for notifying to us the signature of a Treaty, between *Great Britain* and the *United States*, on the part of Her Majesty, and ratified by the federal Senate, by which the important questions, affecting this Province and the *United States*, have been adjusted. From this happy settlement we augur the most favourable consequences to this Province, in the maintenance of peace, the restoration of confidence, and the devotion of the individual and collective energies of the Inhabitants of *Canada* to the internal advancement and development of the vast resources she possesses ; and that we gratefully acknowledge the Royal solicitude for the welfare of this Province, which placed these among Her Majesty's chief objects in the negotiation of the Treaty ; and we receive with gratitude the assurance which, by Her Majesty's command, His Excellency conveys to the Provincial Parliament, that no wish is nearer her heart than that, under her Rule and the Protection of her Crown, all her faithful subjects in *Canada* may rest in undisturbed peace — may feel themselves to be one people with their fellow subjects in the British Isles — and may increase in wealth, prosperity, and contentment, founded on the possession and rational enjoyment of a free and essentially British Constitution :

That we learn, with the greatest satisfaction, that Her Majesty's Government has redeemed, in the fullest manner, the munificent promise, previously made, to guarantee the Loan contemplated by this Province ; and that we shall have great pleasure in receiving, from His Excellency, the Act of the Imperial Parliament, which gives effect to such intention ; that we shall consider, with the greatest care, the important communication which it is His Excellency's intention to lay before us, on the subject of His Excellency's correspondence with Her Majesty's Government, as to the mode in which the assistance thus given can be made most available to the Province ; that we thank His Excellency for the adoption of every means, at His Excellency's command, to obviate the inconveniences of delay, and to advance useful Public Works ; and that we are rejoiced to hear the expression of His Excellency's hope to be able to extend them considerably during the present season :

That we have great pleasure in learning from His Excellency, that although it has been found impracticable to carry into effect the arrangement proposed last year for the assistance of deserving Emigrants, Her Majesty's Government, in redemption of the pledge made upon this subject, has obtained from Parliament a grant of money in aid of destitute Emigrants, upon their arrival in this country ; and that it is satisfactory to us to know, that although the number of Emigrants who have arrived directly from the Mother Country, or through the neighbouring States, during the present season, has been much larger than during the corresponding period of last year, no serious destitution has prevailed amongst them, which would render it necessary for His Excellency to apply to this House to devise means for their relief ; and that we join with His Excellency in the pleasing hope that there are the best prospects of their ultimate success and prosperity :

That it is very gratifying to this House to understand, from His Excellency, that the condition of the public revenue is highly satisfactory, and that the patriotic measure adopted by the Legislature, during the last session, to provide, by means of increased taxes upon

imports, for restoring the credit of the Province, and meeting the charge about to be created, for the completion and extension of the Public Works, has been eminently successful :

(8)

That we are of opinion that the Tariff of the Imperial Parliament for the British Possessions in *North America*, framed, as it is, in a most generous spirit, as regards this Province, will promote, essentially, its financial and commercial interests; and that we shall attend with promptitude to the making such necessary alterations in the Provincial scale of duties, as will make the Revenue Laws of this Province consistent in themselves, and harmonious with the enactments of the Imperial Parliament :

That we hear with pleasure and gratitude, that Her Majesty's Government has evinced a most liberal disposition in the consideration of the duties on agricultural produce, in connection with the trade of *Canada*; and that we shall be rejoiced to assist in any arrangement for extending the market for Canadian produce, in a manner alike advantageous to this Province and the Mother Country :

That we shall consider, with the greatest care, the modifications which may be proposed, with a view to giving effect to the great measures of the last Session, which have engaged His Excellency's attention, for the furtherance of their provisions, and in development of the principles on which they are founded, and in harmony with the spirit of the Institutions under which they are framed :

That we shall most cheerfully give our assistance in considering the important measure for the establishment of District Councils, the details of which experience alone can perfect, with a view to introducing such amendments as will remove all obstacles to the smooth and efficient working of these Institutions :

That we shall give our most serious attention, likewise, to the important subject of Education, in order to secure the successful and beneficial operation of the Act passed for its promotion; and that, in the meantime, we are gratified to notice the impulse which has been given to Education, in its higher as well as in its elementary branches — the result of which cannot fail to confer the most essential benefits upon the whole Province :

That we fully concur with His Excellency in thinking the present a favourable opportunity for the re-organization of the Provincial Militia; and that we shall be rejoiced to aid in the adoption of any measure to alleviate unnecessary pressure upon the people, and to place this arm of the public defence upon a sounder and more satisfactory footing :

That we do humbly thank His Excellency for His assurance that, in perfecting these and other measures, and in all our labours, we may rely upon His Excellency's cordial co-operation and support; that we see the Province at length happily recovered from a state of severe trial and danger, and that a bright dawn now opens upon its prospects; that we fully appreciate the promise of peace, secured upon an honourable and advantageous basis — the re-establishment of tranquility and security — the restoration of permanent credit and commercial confidence, with the enjoyments of free and solid institutions. That these are blessings for which *Canada* has reason to be grateful, and which we assure His Excellency it will be our effort to preserve and our pride to perpetuate.

Mr. Forbes.... As to the first part of these resolutions, he had but little to say. He trusted the United Province of Canada had but one common feeling for the escape of Her Majesty from the hands of the assassin. For the birth of the Prince and heir to the Throne, they were all he was sure, rejoiced; and may Her Majesty live long and happily to enjoy the blessings and protection of Divine Providence. As regards the Treaty between Great Britain and America — the more favourable it is towards the Mother Country, the more beneficial it must prove to Canada: we therefore feel grateful to Her Majesty's Government for the

kind consideration evinced to this Province by the terms of that treaty. Nor is it to be wondered at either, that our gracious Sovereign should not have forgotten Canada, for proud was he to say that Canada was the "brightest jewel" in the her (sic) diadem. The loan which has been obtained for us, too, has been highly beneficial to our most important interests. It will extend our credit at home and abroad; we are thereby enabled to advance public works, and thus, by the circulation of the public money, we are not likely to be burdened by an over increase of emigration this year, as there were such arrangements making by the Executive Government, as would take the load off the inhabitants of the country. The state of the public revenues was such, too, as surely must make every one rejoice. Then with regard to the new tariff, he would remark that Canada was therein highly considered. The value of Canadian produce has been raised, and protective duties guard our mercantile interests. With regard to the District Councils there was much valuable assistance afforded the Government by the working of those bodies, and such amendment as time and experience would point, would be made therein. The education of youth, too, has been maturely considered, and such steps are now taking, as will insure throughout the country a rapid improvement in that most desirable of all objects, the improvement and instruction of youth. He concluded by moving the adoption of the 1st resolution.⁹

Mr. MacDonald rose to second the motion amid loud cries of hear and order. He continued at considerable length to dwell on the measures and prospects of the present government. He said he believed, parliamentary usage allowed him the privilege of addressing the house. The manner in which the honorable gentleman (Mr. Forbes) had discussed the resolutions had left it unnecessary for him to go any further into the subject; (hear, hear) he had however a duty to perform, and he would not shrink from it; and although one not very well accustomed to parliamentary tactics, might feel awkward in coming forward at such a juncture, he would faithfully discharge what he considered conscientiously to be his duty. The affairs of late years have given cause to the colony long to remember what the mother government had done for her; it must call forth expressions of fervent gratitude from every loyal subject to think of the affectionate care of Her Majesty for this country, when we recollect how year after year she has sent forth her armies for our protection; and that under such treatment we have been enabled to obtain a position that no other colony of Great Britain had ever attained. He felt as a Canadian born, glad that a new dawn was breaking in upon them, that the feuds and discords existing so lately amongst them, would now be removed, (hear) and that peace, harmony and love might be established. The loans obtained by the Home government will enable us to (sic) carry out improvements in the country, by erecting public works. The colony can now raise as much money as she pleases (hear, and a laugh), now gentlemen may laugh and sneer, but from the state of the revenue of the province, we are in a position to raise money to any amount we want. There is nothing contained within his breast but what every honest man and loyal subject might feel. No one can say that any vote of his was given from factious motives, he had never given a vote except from a pure motive of serving the country.¹⁰

With reference to the measures of the last session, he believed they had given general satisfaction.¹¹ He was opposed to some bills of importance last session. The District Council Bill he was not favourable to, but since he had seen the working of that bill, he thought otherwise, and he directed all his efforts to keep up an harmonious feeling among all the parties concerned in its working. He was not one working for any government. He was as independent of a government, as any man within the walls of that house. He would not therefore refrain from expressing his opinions on every thing that came before them, and which he conceived best for the government of the country; he would give his honest and decided support to such measures as his own conscience approved of. He was convinced that the Governor of this Province required nothing but that every thing should go on peacefully and quietly.¹² As peace had been established without, and as Great Britain, in her solicitude to maintain that peace, had evinced an affection for these colonies — as credit was re-established, and a brighter day was dawning upon us, he was satisfied that, by the maintenance of peace at home, we should attain a position of the highest prosperity.¹³ He would not longer occupy the house, and felt it his duty to second the resolutions founded upon the address, which he thought must be satisfactory to all.¹⁴

Mr. Draper next addressed the House, he did not rise so much to apply himself to the particular question then before the House, as to offer those explanations, which the peculiar situation in which he was yesterday placed, prevented him from doing — (hear hear.) He would therefore take the earliest opportunity of offering those explanations, as to the course which had been pursued and the cause for the delay which had yesterday occurred, (great

sensation, and cries of hear hear,) he thanked the house for the indulgence it had yesterday shown him, and would now proceed to explain the course he had pursued, which if a wrong one, he hoped would hereafter deprive him of the confidence of those, (for he hoped he had yet some left) who reposed faith in his integrity as a public man.¹⁵

There were two points to which he would revert — first, respecting his own position; and, secondly, that of those with whom he had acted.¹⁶ It was unpleasant to him to speak of himself, but situated as he was, he could not avoid it. He should first speak of himself and of the position in which he had been for some time back placed in the government. (hear hear.)¹⁷ Ever since he had taken office, under the despatch of Lord John Russell — a despatch which materially altered the position of public officers in this country — it had been his desire to follow such a course, on all leading questions, as would, in his opinion, meet the views and command the confidence of the country. He felt that, under that despatch, he was answerable to that House and to the country, for the advice he should tender to the head of the Government, in the discharge of his duty, as well as for the measures which would be submitted for their deliberation; and he hoped his honorable friends would at least give that credit to him which his acts merited; that they would at least do him the justice to say, that on no occasion had he deserted his post, or shrunk from taking that fair share of responsibility which attached to him as a member of the Executive Government.¹⁸ Acting under such a system of administration, and feeling the full force of its propriety and necessity, not only in theory but in practice also, (hear, hear,) he had always been of opinion, and he could not say that that opinion was now changed, that the government never could be carried on in unison with the principles contained in that Despatch, so long as the great body of those of a different origin from himself, he alluded to the French Canadian members, would not take part in the administration of its affairs (loud cries of hear, hear.)¹⁹ The political position of the gentlemen from Eastern Canada of French origin, the large population they represented, and the number of seats they hold, make it absolutely right, that, in pursuance of the declaration of Her Majesty's subjects, they should take a share in the administration of affairs — holding office, and sitting in the Council.²⁰ This had at all times been his opinion, but under the administration of the late Governor General, he had no power to carry out his views. (hear, hear.)²¹

And he would now inform the House, that so far from having displayed a tenacity to office, during his connexion with the Council, he had, on three several occasions ... placed that office at the disposal of the Government, in order that he might be no obstacle in the way of carrying out those principles which he had avowed: and he had felt himself satisfied, that such an opinion was not merely correct in principle, but that the Government of this country could not be carried out, upon any other. But, as one holding the opinions to which he had referred, it was not for him to take any course of his own, without fully informing and consulting those with whom he had the honor of acting.²² ((His)) opinion was equally entertained by his colleagues, and was respectfully submitted to the Head of the Government, from whom, after due and careful consideration, it received concurrence.²³ He had then ... within the last 48 hours, tendered his resignation for the third time, (loud shouts of hear,) to the end that he should be no barrier in the way: that his continuance in office, should be no obstruction to the reconstruction of the Government upon that firm and satisfactory basis upon which he felt, it ought alone to stand, (hear, hear.) During the last session much prejudice abounded on both sides of the house, and for his own part he knew but little personally, of the members opposite (the French Canadian party,) indeed he might say, his chief knowledge of them, was derived through the public press; and whatever prejudice he had conceived against them, and which he felt was the result of want of personal intercourse, he could now say calmly and conscientiously, that it was entirely removed, (hear, hear.) Feeling then that there was in fact no difference in sentiment between the honorable gentlemen opposite and himself and his colleagues, he had used his best endeavours, to carry a union between them into full effect, (hear hear,) he had endeavoured to bring about that political and national harmony, upon which he hoped to see the government stand. Although his feelings had at all times been such as he now stated them to be, still he had no opportunity of carrying them out to any practical result, till the arrival of the present head of the Government. (Hear, hear.) In negotiating an arrangement such as he had been alluding to, he felt that no proposal should be made to the gentlemen opposite, but such as was consistent with their honor; such as honorable men could accept (hear, hear,) with that view, and knowing that the honorable member for Hastings (Mr. Baldwin) had forfeited office for them, and that as honorable men, they could not take office without him, he made no proposal to the gentlemen opposite, which did not include the Hon. and learned gentleman from Hastings. (Hear, hear.) In making a proposition to include the member for Hastings, he knew he was making one to exclude himself, and it would be derogatory to

him and also to the member for Hastings, for both to act together in the same Cabinet, (hear, hear.) He therefore at once, gave in his own resignation, so that he might be no obstacle in the way of an arrangement so desirable. He and his colleagues submitted those views to the honorable and learned gentleman opposite, (Mr. Lafontaine,) the member for the 4th Riding of York County, and who is generally (sic) understood to be the leader, or at all events in the confidence of the French Canadian people. It was not for him to say, why their proposals were rejected; why the hand of reconciliation had been refused, and the olive branch of peace dashed to the earth, by the honorable gentlemen opposite, he would leave them to explain their own views and motives. But whatever might be the motives which dictated the refusal, he yet hoped to see the day, when such a union would be formed, and when the principle of administering the government, in harmony with the wishes of the people, will be fully established and fairly carried out. It was influenced by such feelings that he had tendered his resignation to the head of the government; and why the gentlemen opposite would not afford their assistance in the formation of such a Cabinet, it was for them, not for him to say.²⁴ He submitted his views to the Government, to relieve it from the false position which it occupied — a position which he conceived to be false, because the patronage of the Executive had been reserved by one race of men, to the exclusion of the other — a position which must materially embarrass His Excellency's administration, and from which he was desirous that His Excellency might be relieved, and thus enabled to carry on the Government, upon a broad, general and generous basis.

With that view, he only deemed it necessary to assert two or three great principles, which he should ever feel himself bound to support. First, the firm maintenance of the connexion existing between this colony and Great Britain, as the basis or foundation of all political principles. Secondly, the administration of the Government, without distinction of races or origin, and an entire oblivion of the past. Thirdly, that the Government shall be administered under and according to the constitution granted to this country, by the Imperial Government. He would not pledge himself to the Union as it is, but in its large and broad sense. He fully believed that a party would be formed, by which the Government will be administered in accordance with the "well understood wishes of the people."

The honorable gentleman then alluded to his personal sacrifices, and added, that whatever might be the result to himself, he would be amply rewarded in witnessing the successful carrying out of those principles, which he conceived to be the best adapted to the circumstances of the country. He would now inform the House, that he and his colleagues had tendered to His Excellency, advice consonant with the principles which he had just avowed, and of which they were ready to share the responsibility with His Excellency — who is also responsible elsewhere: and that His Excellency had experienced no difficulty in accepting and acting upon it.²⁵

On one other point he desired to offer a remark. When it was suggested that the retirement of Mr. Ogden would be one way or other involved in this proposition, he, in common with his other colleagues, was not prepared to advise any course to which that Honorable gentleman was to be made a sacrifice, and it appeared to him a clear duty, to urge as a preliminary, that without reference to individuals who might be brought into office, no step should be taken which did not assure a just provision to an old, faithful and valuable servant of the Crown, who had occupied office long before Lord John Russel's despatch was promulgated, and whose case, therefore, came within the very protection which that despatch intended to such public officers, whose retirement became necessary, from any act or intention of the Government. This proposition he was happy to see was embodied in the communication which had been made to the Honourable gentleman opposite, and the substance of which he would read to the House.²⁶

He would now read the copy of a letter, addressed by the head of the government, to the honorable and learned member for the 4th Riding of York, (Mr. Lafontaine.) It was dated this day.²⁷

Sir — Having taken into my most earnest and anxious consideration, the conversations which have passed between us, I find my desire to unite to the aid of, and cordial co-operation with, my Government, the population of French origin in this province, unabated. I have, therefore, not waited for the result of your deliberation; but, on the contrary, have been considering how far I can possibly meet the views of those who have the confidence of that part of the population, so as to make their accession to this Government satisfactory to themselves, and at the same time accompanied by that mutual confidence which can alone make it beneficial to the country.

I have accordingly come, not without difficulty, to the conclusion that, for such an object, I will consent to the retirement of the Attorney-General, Mr. Ogden, from the office which he

now holds, upon its being distinctly understood, that a provision will be made for him commensurate with his long and faithful services.

Upon his retirement, I am prepared to offer to you the situation of Attorney-General for Lower Canada, with a seat in my Executive Council.

The office of Solicitor-General, in Lower Canada, has long been kept vacant, in the hope of some arrangement by which the object which I have always had in view, might have been assisted; and I shall be happy to listen to your suggestion of the name of any gentleman of British origin, whose co-operation in the Government will aid us in the attainment of one common object.

I have reverted carefully and anxiously to your expressed wish, of being joined in your adherence to my Government, by a sufficient number of supporters to insure the confidence of those whose interests you represent.

I find that one of my own plans for the advantage of Lower Canada, viz: the distribution of a portion of the too crowded population of your frontier settlements, over a larger extent of territory, may be made to coincide with your view.

Mr. Girouard has been represented to me, as a gentleman possessing administrative faculties of a higher order and at the same time the confidence of his countrymen.

He can materially assist in forwarding my object, in this respect: and I have, therefore, determined, if I should be successful in inducing you to accept my proposition, on offering to him the situation at present held by Mr. Davidson, with a seat in the Council, on the understanding, that the latter gentleman shall also be provided for, in a manner suitable to his just pretensions; and that Mr. Girouard shall be elected by some constituency, a member of the Assembly.

I have further determined to offer the confidential post of Clerk of the Council, to some gentleman of your recommendation; and I would suggest, that the reputation enjoyed by Mr. Morin, or Mr. Parent, would designate them as, perhaps, among the fittest persons for your recommendation.

Mr. Baldwin's differences with the Government, have arisen chiefly from his desire to act in concert with the French portion of the population; and as I hope those differences are now happily removed, I shall be willing to avail myself of his services.

Mr. Draper has tendered to me, the resignation of his office. I shall always regret the loss of such assistance as he has uniformly afforded me, and I shall feel the imperative obligation of considering his claims upon the Government, whenever an opportunity may offer, of adequately acknowledging them. This will leave the office of Attorney-General, with a seat in the Council, at my disposal, and I am prepared to offer it to Mr. Baldwin.

The absence of Mr. Sherwood, deprives me of the opportunity of ascertaining how far he might be willing to accede to the arrangement, and of knowing whether he is ready to fulfil one of the conditions of his appointment, by obtaining a seat in the Assembly.

The disposal of this office must, therefore, be left a matter of future consideration.

From my knowledge of the sentiments entertained by all the gentlemen who now compose my Constitutional advisers, I see no reason to doubt that a strong and united Council might be formed, on the basis of this proposition.

In this persuasion, I have gone to the utmost length to meet, and even to surpass, your demands; and if, after such an overture, I shall find that my efforts to secure the political tranquillity of the country are unsuccessful, I shall at least have the satisfaction of feeling, that I have exhausted all the means which the most anxious desire to accomplish the great object, has enabled me to devise.

I have the honor, &c.

C. BAGOT.

To Mr. Lafontaine, M.P.P.²⁸

Such were the propositions made by the head of the government to the gentlemen opposite, but he was sorry to say, they had not been acceded to; the motives that had dictated their refusal, he would leave to honorable gentlemen opposite to explain. For himself (Mr. Draper,) whatever might be the result, he felt consoled that he had tendered what he had conceived to be the best advice he was capable of giving, and having so performed his duty, he would leave the whole matter to the impartial consideration of the House.²⁹

((M. LaFontaine)) Si je me lève en ce moment, M. L'Orateur, c'est que le discours de l'honorable procureur-général pour le Haut-Canada, m'en fait un devoir impérieux.³⁰

Ici Mr. Lafontaine est interrompu par l'honorable M. Dunn, qui lui demande à parler en Anglais.³¹ Mr. Dunn observed that as the honorable gentleman could speak English very well, he should like his speaking in that language.³²

M. LaFontaine continue :

Je regrette de ne pouvoir me rendre aujourd’hui à la demande de l’honorable membre. Je le remercie néanmoins ; car le fait que cette demande vient d’un des membres du cabinet, me fournira un nouvel argument à l’appui du vote de manque de confiance contre le ministère.

Appelé à expliquer et à défendre la ligne de conduite que j’ai cru devoir tenir dans mes entrevues avec le gouverneur-en-chef, et auxquelles il a fait allusion dans la lettre dont l’honorable Procureur Général vient de faire la lecture, je suis prêt à la faire de la manière la plus franche et la plus ouverte, quelques pénibles que soient les sentiments que j’éprouve par suite d’un procédé aussi étrange et aussi inattendu de la part des Conseillers de Son Excellence. Rien ne peut justifier un tel procédé, si ce n’est le désir d’employer tous les moyens pour garder un siège que l’on craint de perdre. Nul doute que ces honorables membres ont voulu produire un effet puissant contre moi et mes compatriotes d’origine française, de cette origine à laquelle j’appartiens. Qu’ils se désabusent ; car ils se sont grandement trompés, comme va le démontrer, j’en ai la conviction, le résultat des présents débats. L’effet sera puissant, je l’espère, mais il tournera contre les honorables Messieurs du Cabinet. Je sens, comme j’ai senti depuis quelques jours, toute la responsabilité de ma situation. Non seulement j’ai à me défendre moi-même, mais j’ai encore à laver mes compatriotes des reproches injurieux qu’ون se croit autorisé à leur faire, en invoquant aujourd’hui, mais à tort, mon refus d’accepter un emploi. Je ne recule pas devant la tâche qui m’est imposée ; mais je demande à cette chambre le pouvoir de faire valoir cette défense dans un comité général, n’ayant pas les moyens de le faire autrement. J’ai droit à toute la liberté possible. Je ferai voir à cette chambre, et surtout à mes compatriotes, que l’on veut à présent attaquer dans ma personne, que la conduite que j’ai tenue dans ces entrevues avec le gouverneur-général, a été dictée par le sentiment de mon devoir et de ma position, tant envers mes amis qui siègent sur les mêmes bancs que moi, qu’envers mon honorable ami le représentant du comté de Hastings (l’hon. R. Baldwin.) Quoiqu’il arrive, une chose me console, c’est que ma conscience ne me reproche rien, et que j’ai la conviction que mes amis, (et j’en appelle à eux,) rendront justice à mon caractère ; car ils savent qu’aucun motif de vues personnelles n’a guidé ma conduite.³³

Ici les bancs de l’opposition où siège Mr. Lafontaine, lui rendent publiquement ce témoignage.³⁴

Puis M. LaFontaine reprend son siège en demandant un comité général.³⁵

Mr. Baldwin, said he would make some remarks on the part he had acted, during the late session, and that nothing was farther from his intention, than conveying anything acrimonious towards the hon. and learned Attorney General. He considered that the course taken to-day showed the position in which he (the Atty. Gen.) stood, and the consistency of his course since he had avowed the principle ; he had heard the principle avowed with the greatest satisfaction, for whatever opinion might be entertained of his course, nothing could more entirely sanction his advice than the course of the hon. gentleman opposite, and show the correctness of the course he took. When he recollects that he tendered the same advice that hon. gentlemen opposite now did ; that when he could not accept of office consistently with his principles, to tender his resignation and retire ; which advice, it appears, has now the sanction of every member of the Cabinet. True, he (the Atty. Gen.) referred, but touched it gently, to the character of the circumstances which have taken place between this and that. What change of circumstances have we, unless that of a new Governor General ? and was it less important that we should have an administration strong in the confidence of the people then than it now is ?³⁶ He desired to see a strong government established ; not one, like those in a neighbouring country, blown about by every wind and bended before every storm.³⁷

He adverted to the allusions made to the army, and rejoiced in its triumph, but never ceased to deplore the atrocious conduct of the Government that led to it.³⁸ The people of that section of the province had not forgotten the measure taken by the Imperial Parliament — they had not forgotten, that a union to which they were opposed, was forced upon them, even without being in any way consulted upon so important a measure, while they were deprived of a representative constitution ; and that, to support these measures, British soldiers were introduced among them.³⁹

He would yield to no man in love of country, he felt proud of his connexion with Great Britain, and although some writers had predicted that the time would come, when these Colonies would be separated from the Parent State, still he did not believe in such doctrines ; if such a period should ever arrive he should deeply deplore it, and he conceived that it

was not allowed to a man to look into futurity, or to anticipate any period, when such an event could take place, (loud cheers and cries of hear, hear.)⁴⁰ If a conciliatory policy were adopted towards all the people of this country, such an opinion would have no existence. He was an advocate for the union of the two Provinces (sic), and still is, but not for a union of parchment, but for the union of hearts and of free born men.⁴¹ Not a union forced down the throats of the people by bayonets, but a union the voluntary choice of a free people. He was a Canadian born, son of a Canadian; the grandson of a man who made Canada his home when it was a howling wilderness. He was proud of his birth, proud of the independence and industry of his forefathers, who had placed him in the position in which he stood.⁴² And he wished to see that national feeling more generally appreciated from Sandwich to Gaspe, (hear.)⁴³ Being an advocate for the union, it was important, in his opinion, and now avowed by the hon. member for Russell, that this union should be of hearts and of the people; but how is that to be obtained in the case of those deprived of their representative institutions? and here he would take the opportunity of saying that it was ((a)) matter of great doubt from whence the provocation came that led to the late disagreeable (sic) affairs in Lower Canada, at a time when they had a Special Council forced upon them that was odious to them, and naturally the object of their deepest detestation; and it is not to be wondered at that they should detest an institution forced upon them. He contended that the first announcement should have been, that the Canadians should have equal justice: but equal justice was not demanded, for they would have been satisfied with much less. He was desirous of showing to the world that they were not what their enemies represented, and that everything should be done to redress their grievances, consistent with justice and the interests of the country. That they should not have been left one year and eighteen months without such justice.⁴⁴ The learned Attorney General now comes forward with proposals to the reform party! proposals forsooth! If he were sincere in making such proposals, the period of the Union was the proper time for making them. He acknowledges that he was at all times impressed with the sentiments of liberality to which he has this day given utterance, but if such were his feelings during the last Session, why did he not express them? Why did he allow 12 or 18 months to elapse, and still keep his feelings to himself? Why did he not tell Lord Sydenham, what he has told Sir Charles Bagot? If his declarations are to be relied on, he was bound, yes, solemnly bound, as a conscientious man, to have tendered such advice to the Representative of his Sovereign. But no, no, he kept all concealed, till the last moment, and now indeed he comes out and tells us he felt so and so all along. (Loud laughter,) how very pliant and good natured he must have been? (Great laughter.) If such were the learned gentleman's opinions last year as he had solemnly assured the house they were, why did he not come out, when he (Mr. Baldwin) resigned his seat for the very same cause?

When Lord Sydenham wished to perpetrate injustice on the Lower Canadians, he (Mr. Baldwin,) left his council; did the learned gentleman opposite do so? No indeed he did not! And although he tells us he was of the same opinion, that such were his real, although concealed opinions, and that such are his opinions this day, and the opinions of all his colleagues, still when he, (Mr. Baldwin,) resigned, he could not get the learned gentleman, or any of his colleagues, to second his resignation! They were to be sure, quite friendly to the poor, oppressed Lower Canadians, but they could not think of deserting a government that opposed them! (loud shouts of hear, hear, and much laughter.) Poor souls, their liberality and love of the Lower Canadians was very great! (great laughter.) He had intended to have given his reasons at length for moving the amendment which he then held in his hand; the speech and letter read by the Attorney General, rendered such a course a work of supererogation; as they had already condemned themselves.⁴⁵

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Amendment.

The Honourable Mr. Baldwin moved in amendment, seconded by Mr. Barthe, That all the words after "That," in the said motion, be struck out, and the following substituted: "an humble Address be presented to His Excellency, the Governor-General, to thank His Excellency for his most gracious Speech from the Throne, at the opening of the present Session of the Provincial Parliament, and to convey to His Excellency, with an assurance of our regret, for the painful circumstances under which the Government of his Predecessor was brought to a close—our hearty congratulations on His Excellency's assumption of the Government of this Province; and to assure His Excellency, that, in the discharge of the high and important

"duties to which he has been called, His Excellency will at all times receive from this House that support to which, as the Representative of the Sovereign, His Excellency is constitutionally entitled, and of our having no reason to doubt that His Excellency's exercise of the Royal Prerogative, in selecting the present as the period for calling us together, was with a view to the benefit of the public service :

"To assure His Excellency that we sincerely rejoice to learn, that several events of interest to this Province and the British Empire have, since we last met, been, in their issue, mercifully directed by Providence for the security and advantage of both :

"That the birth of a Prince, destined, under God's Providence, to occupy the British Throne, is to us, as it must be to all Her Majesty's faithful subjects, a source of the sincerest joy, and that it will afford us the highest satisfaction to join in cordial congratulations to the Queen and Her August Consort upon this event, so conducive to their domestic happiness, and so auspicious for the nation :

"That we unite, with one voice, in thanksgiving to Almighty God, that He has been pleased to avert from our beloved Sovereign the danger to which she has been exposed by the treasonable attempt of an assassin, and by the malice of the reckless and wicked ; and we most heartily join in the prayer that the same Providence will continue to watch over, and long preserve, a life so justly dear to all classes of Her Majesty's subjects :

"That we have received with great satisfaction the information that a Treaty between *Great Britain* and the *United States of America* has been signed on the part of Her Majesty, and since ratified by the Federal Senate, by which the important questions affecting this Province and the *United States* have been adjusted ; and that, could we be assured that our domestic affairs would be placed upon a basis calculated to insure the confidence and conciliate the affections of the great mass of the people, in both sections of the Province, we should augur the most favourable consequences from the assurance thus afforded, that peace will be maintained, and that our undivided energies would be thus left to be directed to the advancement and development of those resources which a merciful Providence has so bountifully bestowed upon us :

"That we feel a just confidence that the accomplishment of such happy results has been among Her Majesty's chief objects in the negotiation of the Treaty ; and that we receive, with the most profound respect and sincere affection, the assurance, with His Excellency has by the Royal Command conveyed to us, that no wish is nearer to Her Majesty's heart than that, under Her rule and the protection of Her Crown, all Her faithful subjects in *Canada* may rest in undisturbed peace — may feel themselves to be one people with their fellow subjects in the British Islands — and may increase in wealth, prosperity, and contentment ; and to assure His Excellency that, for the preservation of these blessings, Her Majesty's faithful Commons of *Canada* desire no other political guarantee than the undisturbed enjoyment of the British Constitution, in all its integrity, as applicable to our condition as one of the Colonial Dependencies of that mighty Empire to which it is still our pride to belong :

"That the high character of the British Government, for fidelity to its pecuniary engagements, gave us a full assurance that its promise to guarantee a Loan for the Province would be faithfully redeemed ; and that the Act of the Imperial Parliament which gives effect to that promise, as well as the other information and the communication

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"which His Excellency has promised should be laid before us, will receive our most respectful attention :

"That when we shall receive the information respecting the Public Works, which His Excellency has directed to be laid before us, that

"most important subject will not fail to engage our best attention ; "and that it will afford us much satisfaction to find that every means "at the command of the Government has been adopted to obviate the "inconveniences of delay, and advance those most important objects of "public interest :

"That we regret to learn that it was found impracticable to carry "into effect, in *England*, the arrangements proposed last year for the "assistance of deserving Emigrants ; but we are happy to be informed "that Her Majesty's Government have obtained from the Imperial "Parliament a grant of money in aid of destitute Emigrants upon their "arrival in this country ; and that it is, in the meantime, satisfactory "to this House to learn from His Excellency, that though the number of "Emigrants who have arrived in the Province during the present season "has been much greater than during the corresponding period of last "year, no serious destitution has, in His Excellency's opinion, prevailed "among them, which from the means taken to stimulate emigration "before arrangements were made for the immediate employment of the "Emigrants, we were led to fear might, to some extent at least, have "unhappily been the case ; and that we rejoice to learn that, in His "Excellency's opinion, there exist such flattering prospects of their "ultimate success and prosperity :

"That we shall be happy to find that the condition of the Public "Revenue is so satisfactory, and that the measures adopted by the "Provincial Parliament during the last Session to provide, by means "of taxes upon Imports, for meeting the charge about to be created "for the completion and extension of the Public Works, and other "exigencies of the Province, have been eminently successful :

"That we will give our most respectful attention to the Tariff of "the Imperial Parliament for the British Possessions in *North America* ; "and also to the Revenue Laws of the Province, to which His Excellency has directed our attention, with a view to render the latter "as harmonious with the enactments of the Imperial Parliament as may "be found practicable :

"That this House rejoices to learn that Her Majesty's Government "have evinced a liberal disposition in the consideration of the duties "on agricultural produce, in connection with the trade of the Province ; "and that there is, in the opinion of His Excellency, a hope that an "arrangement may be made to extend the market for Canadian pro- "duce, in a manner alike advantageous to this Province and the Mother "Country :

"That the accounts of the Revenue and Expenditure of the last "year will not fail, when laid before us, to receive our most attentive "consideration :

"That we regret that the great measures passed during the last "Session of the Provincial Parliament were not framed so as to com- "mand His Excellency's approbation, and that they should have been "found such as not only to render necessary amendment in their details, "but to require, in His Excellency's opinion, modifications, in order to "give to them principles in harmony with the spirit of the institutions "under which they were enacted ; but that this House feels bound "respectfully to represent to His Excellency, that while they cannot "recognize in the head of the Government the constitutional right to "propose specific measures for their adoption, they will, nevertheless, "at all times, be most ready to apply their most attentive consideration "to any subject to which His Excellency may deem it his duty to direct "their attention, with a view to frame such measures thereon as the "interests of the Province may seem to require ; and that the Act for "the establishment of District Councils in *Upper Canada*, as well "as the Ordinance of the late Special Council of *Lower Canada*, for "the establishment of similar institutions in that part of the Province, "shall engage their early attention :

"That this House is thankful to His Excellency for the desire "evinced by him for the accomplishment of the wishes of Parliament in

"carrying into effect the Act for the promotion of Education, and "that they rejoice that an impulse has been given to that important "source of both public and private happiness and prosperity, in its "higher as well as its elementary branches; and feel assured that the "result cannot fail to confer the most important benefits upon the "whole Province :

"That to the reorganization of the Militia we shall most readily "direct our attention, and rejoice that the present appears a favourable "opportunity to alleviate unnecessary pressure upon the people, and "to place this arm of the public defence upon a sounder and more "satisfactory footing :

"That we are deeply sensible of the great importance of the various "matters to which His Excellency has thus been pleased to direct our "attention, and feel the utmost satisfaction in the assurance so "consonant to the feelings which must ever animate the breast of a "true representative of a constitutional Sovereign, that in endeavouring "to perfect these measures, as well as in all our labours for the ad- "vancement of the welfare of the Province, we may rely with confi- "dence upon His Excellency's cordial co-operation :

"To assure His Excellency that we are most anxious that our "counsels should be animated, and our proceedings directed, by that "spirit of harmony which is best calculated to lead to results at once "useful and permanent :

"That we rejoice in the promise of peace, secured, as we are assured "by His Excellency, upon an honourable and advantageous basis, and "that we are far from being insensible to the advances which have "been made towards the re-establishment of tranquillity and security, and "feel grateful to the Almighty for the blessings we are yet permitted to "enjoy, and which His Excellency may be assured we shall omit no- "thing within our power to preserve :

"But that we feel it essential, not only to the satisfactory result "of our deliberations on these matters, but to the successful and happy "conduct of His Excellency's Government in general, to the preserva- "tion of harmony between the different branches of the Provincial "Parliament, and to the peace, welfare, and good government of the "Province, which this House is persuaded it is the anxious desire of "Her Majesty's Government to promote, that the chief advisers of "His Excellency, constituting the Provincial Administration under him, "should be men possessed of the confidence of the Representatives of "the People; and that we therefore feel it a duty which we owe as "well to our Sovereign and our country as to His Excellency himself, "to avail ourselves of this the earliest opportunity afforded us, respect- "fully to submit to His Excellency that that confidence is not reposed "in His Excellency's present advisers."

((**Mr. Baldwin.**)) Out of their own mouths he would condemn the present Ministry; they have themselves admitted they do not possess the confidence of the country or that if they do, they ought not, (loud laughter.) Yes, the Governor General's letter says so. What need then had they of proof? Their own admission was the best of all evidence. If the gentlemen of the Treasury benches had one spark of independence left, they would have followed up the reading of the letter of the head of the government by declaring that they only held office till their successors were appointed. What would be thought of an English Minister who should act such a part?⁴⁶ — afraid to tender his counsel to his Sovereign, at the time it was most required.⁴⁷ What would be thought in England, if the Government leader should come down to the House of Commons, at the very opening of the house, and before a single vote was given or a single question (sic) debated, and declare that he considered that the government was not so organized, as that it ought to command the confidence of the country, and that in his own deliberate judgment, a judgment formed 18 months ago, and ever since adhered to, it was essential that himself and one half of his colleagues should go out of office, and yet after making such a declaration, cling to office: Such a ministry would be scouted by every man, by every party, in and out of the House of Commons; and yet, such was the position of the gentlemen opposite. He really pitied them! (loud

laughter.) They were deserted by every independent man, and so they ought, for they had long felt that they deserved desertion, and they now openly confessed it; can such men seriously think of longer continuing in office. If they do, he should think them only fit inmates for a lunatic asylum! (loud laughter.)⁴⁵ Any man who would vote confidence in a Ministry making such confessions, should be sent to a Lunatic Asylum.⁴⁶

He felt himself at liberty to curtail his remarks, from the frank avowal which had been made by the hon. members on the treasury benches, that they do not and ought not to possess the confidence of the House. With respect to the speech, he regretted that he could not concur in the view which had been taken, notwithstanding the flattering picture drawn by his hon. friend the member for Glengarry. Young men were generally sanguine, and no doubt in the fervor of his imagination the hon. gentlemen (sic) had formed the highest expectations for his country. But he could not feel equally satisfied with the speech and he begged to be considered, as he believed, according to constitutional usage, he felt entitled to be considered, treating the speech as emanating from the hon. gentleman opposite, for many reasons. In the first place, no reference was made to Lower Canada. It was rather strange, that the hon. gentlemen opposite — who profess to have desired so long to render justice to that section of the Province, should seem to have forgotten, only a few days back, all about the object of their anxious solicitude. It was strange that they did not think fit to make some remark relative to Lower Canada, to evince the sincerity of their desires; when introducing the subject of District Municipal Councils into the speech, they could hardly have forgotten the District Councils of that section, the offspring of Special Council legislation, and which had given much dissatisfaction to the people. He regretted this, and therefore in the amendments which he would have the honor to propose to the resolutions before the house, this omission should be supplied. Another difficulty in echoing the speech would be that the house would pledge itself to the sentiment that all we now required was to have peace established abroad; that we had arrived at the ne plus ultra of peace at home; and therefore with peace abroad we shall attain to all our desires. To this he could not assent. Those who advised the speech admit that much has yet to be done at home. He would merely, however, protect the house from compromising itself by inserting a saving clause. He objected to the importance attached to the fulfilment of the pledge given by the Imperial Government relative to the loan of a million and a half, of which they have heard so much — When it was announced that such a boon was contemplated, it was correct enough to acknowledge it in suitable terms, and it had been glorified enough last session. The language of the address implies that the Imperial Government was not bound to the fulfilment of the pledge; but he had full confidence in the honor and integrity of the mother country in the fulfilment of all pecuniary obligations, and was convinced that the honor of the British Government would never be compromised. In lieu, therefore, of the words of the address, he would give an expression of full confidence and satisfaction. Their attention had also been directed to the public works. The speech was altogether an elaborate one, and one, in his opinion, which the hon. gentleman opposite should not have advised his Excellency to deliver; should have been one containing only those general statements upon which there could have been no difference of opinion; that in moving a simple echo it would have met with an immediate response on the part of the house. He could not agree that every means within the power of the government to advance the public works had been made available; he could not agree that there existed no serious destitution among emigrants in the vicinity of the public works — he would instance the riots which had occurred at the Welland Canal and other places. An agent had been sent home, and a stimulus given to emigration without providing employment for those who should arrive here. Those who had concurred in such a measure had a heavy responsibility resting upon them, and he regretted he could not see the matter in the same light with the hon. gentleman opposite; perhaps it was because he did not possess an imagination equally lively with that of the hon. gentleman who had seconded the resolutions. As to the condition of the public revenue, he was pleased to hear that it was so favorable, and sincerely trusted that the statement made was correct. In announcing an intention, however, to modify some of the measures of last session, he thought the hon. gentleman opposite had placed themselves in a singular position: we are not only promised modifications in the details but an acknowledgment is made that they are defective in principle, and totally inefficient. In the latter part of the speech they had been informed that "the Province has at length happily recovered from a state of severe trial and danger, and a bright dawn now opens upon its prospects," and of "the establishment of tranquility and security, the restoration of financial credit and commercial confidence, with the enjoyment of free and permanent institutions." As to security for tranquility, what was it? Was it in saddling the Province with an enormous Civil List of £83,000 per annum? was that the kind of security? And is our financial credit restored when

we have to go to the mother country for an endorser to the extent of a million and a half ? But they were told of the existence of commercial confidence ! Did the hon. gentlemen go to the merchants of Quebec and Montreal — those engaged in the Timber Trade — for their information on this point ? Did they find it in the condition of the Banks, the difficulties of the merchants from one end of the country to the other. These difficulties had been ascribed by some to the Currency Bill of last session, and to other causes ; but to whatever cause it might be attributed, certain it was that so far from the existence of commercial prosperity and confidence, the complaints of severe pressure and difficulty were universal. — Then, what do the hon. gentlemen mean by "permanent institutions?" He could not well understand them, when looking upon the alterations which were introduced and forced upon them during the last session. He would take the liberty of introducing a saving clause, so as not to stand committed to the principles of the Union Bill, in which he would endeavor to unite the views of all hon. gentlemen, and to steer clear of all parties. — With respect to the declaration of want of confidence in the present advisors of his Excellency, which he had introduced into his amendment to the address, he could assure them his course was founded upon the last precedent of the Imperial Parliament, and was in accordance with the doctrines of responsibility of the Executive Council as laid down by the hon. member for Kingston.⁵⁰

1. *Resolved.* — That the most important as well as the most undoubted of the political rights of the people of this Province is that of having a Provincial Parliament for the protection of their liberties, for the exercise of a constitutional influence over the Executive departments of their Government, and for legislation upon all matters which do not on the ground of absolute necessity, constitutionally belong to the jurisdiction of the Imperial Parliament, as the paramount authority of the Empire.

2. *Resolved.* — That the head of the Provincial Executive Government of the Province, being within the limits of his Government the Representative of the Sovereign, is not constitutionally responsible to any other than the authorities of the Empire.

3. *Resolved.* — That the Representative of the Sovereign, for the conduct and efficient disposal of the public business, is necessarily obliged to make use of the advice and assistance of subordinate officers in the administration of his Government.

4. *Resolved.* — That in order to preserve that harmony between the different branches of the Provincial Parliament which is essential to the happy conduct of public affairs, the principal of such subordinate officers, advisers of the Representative of the Sovereign, and constituting as such the Provincial Administration under him as the head of the Provincial Government, ought always to be men possessed of the public confidence, whose opinions and policy harmonizing with those of the representatives of the people, would afford a guarantee that the well understood wishes and interests of the people, which our Gracious Sovereign had declared shall be the rule of the Provincial Government, will at all times be faithfully represented to the head of that Government, and through him to the Sovereign and Imperial Parliament.

5. *Resolved.* — That as it is practically always optional with such advisers to continue in or retire from office at pleasure, this House has the constitutional right of holding such advisers politically responsible for every act of the Provincial Government of a local character sanctioned by such Government, while such advisers continue in office.

6. *Resolved.* — That for the like reason this House has the constitutional right of holding such advisers in like manner responsible for using, while they continue in office, their best exertions to procure from the Imperial authorities the exercise of their right of dealing with such matters, affecting the interests of the Province, as constitutionally belong to those authorities, to the manner most consistent with the well understood wishes and interests of the people of this Province.⁵¹

He ((Mr. Baldwin)) wishes to exhibit to the hon. gentlemen every lenity : they were entitled to his sympathy, and he was willing to try them by their own rule. In relation to the Governor General, the new representative of his sovereign, he was aware that there were many difficulties which beset him in performing the duties of his high and responsible situation in a country in which he may yet be presumed to be unacquainted with the real state of things, and dependant upon the information of his advisers. He was always ready to accede to these difficulties — always ready to give that support, that constitutional support to which His Excellency, as the representative of his Sovereign was entitled ; and he knew of no more important duty which the house had to discharge than to inform the head of the Government of their opinion of the men by whom he was surrounded. They would be justly amenable to reproach if they were to shrink from telling him in a candid, frank and manly manner, that opinion : if they neglected to do so they were but lulling him into

a false belief; they owed in candour the expression of such an opinion; they owed it to themselves, to their Mother Country, and to their constituents. They owed it ((to)) those who were the advisers of His Excellency, that if they did not possess the confidence of the House, they would be placed in a position to tender their resignation — that they might be enabled to go to the head of the Government and tell him that a constitutional tribunal having declared them not to possess its confidence, they were ready to resign their trust into other hands. He did not wish them to be in the invidious (sic) position in which they now stood, and in relieving them from that position, he conceived the House would be performing a service to the hon. gentlemen themselves, as well as a public duty.⁵²

Under such circumstances he thought it a duty he owed to the representative of his Sovereign, to the people of his native province, and to his own feelings, to move this amendment ... declaring that they did not possess the confidence of the House.⁵³

(9)

Com. of the whole. On motion of the Honourable Mr. Neilson, seconded by Mr. Small,
Ordered — That the main motion, and proposed amendment there-
 to, be now referred to a Committee of the whole House.

Mr. Harrison observed that it was not consistent with British practices to send the address to committee, but if the house wished it, he had no objection.⁵⁴

Mr. Neilson said that it was unnecessary to adhere to British practices so strictly in one thing unless in all, he considered that the practices in Upper and Lower Canada sanctioned it, and that all persons by this means have an opportunity of expressing their sentiments upon the subject.⁵⁵

The motion was put to the house and carried⁵⁶.

(9)

The House accordingly resolved itself into the said Committee.
 Mr. Armstrong took the chair of the Committee;

The Hon. ((Mr.)) **D. B. Viger** addressed the committee in support of the amendment. He depreciated the part of the proposal in the Governor General's letter to Mr. Lafontaine, which stipulated for pensions for the retiring members; it reminded him of a French Minister, who without the performance of any duty to his country had retired on a pension of forty thousand livres.⁵⁷

M. LaFontaine se lève de nouveau, et prononce le discours dont voici à peu près la substance.

“Avant de venir au mérite de la question, je dois faire allusion à l'interruption de l'honorable membre pour Toronto, lui qu'on nous a si souvent représenté comme ami de la population canadienne-française. A-t-il oublié déjà que j'appartiens à cette origine si horriblement maltraitée par l'acte d'union? Si c'était le cas, je le regretterais beaucoup. Il me demande à prononcer dans une autre langue, que ma langue maternelle, le premier discours que j'ai à prononcer dans cette chambre! Je me défie de mes forces à parler la langue anglaise. Mais je dois informer l'honorable membre, et les autres honorables membres, et le public du sentiment de justice duquel je ne crains pas d'en appeler, que quand même la connaissance de la langue anglaise me serait aussi familière que celle de la langue française, je n'en ferais pas moins mon premier discours dans la langue de mes compatriotes canadiens-français, ne fûtse que pour protester solennellement contre cette cruelle injustice de cette partie de l'acte d'Union qui tend à proscrire la langue maternelle d'une moitié de la population du Canada. Je le dois à mes compatriotes; je me le dois à moi-même.

Procédant maintenant à repousser l'attaque que les membres du cabinet ont dirigée contre moi, je dois, avant tout, demander à l'honorable procureur-général s'il a été autorisé par Son Excellence à communiquer à cette chambre la lettre dont il a, il y a un instant, fait la lecture.⁵⁸

L'honorabile P. G. ((W.H. Draper)) répond affirmativement.⁵⁹

Alors, dit **M. LaFontaine**, dans l'intérêt de ma position, il me faut faire le récit de ce qui s'est passé dans les entrevues entre Son Excellence et moi, non pas que je veuille en rapport toutes les particularités, quoique justifiable de le faire en conséquence du procédé pour le moins extraordinaire, pour ne rien dire de plus, dont les honorables Conseillers

vienennent de se rendre coupables ; mais je devrai faire part à cette chambre des faits les plus essentiels qui me concernent. Je sais, Mr. le Président, combien est grande la responsabilité qui, pendant ces derniers jours, a pesé sur ma tête. Nul doute que son Excellence était mûe (sic) par le désir sincère de faire justice à mes compatriotes, au moins autant qu'il était en son pouvoir pour le moment. Et je dois déclarer publiquement que, quoique j'aie grandement à me plaindre de la communication qui vient d'être faite à cette chambre dans la vue sans doute de m'écraser, j'ai néanmoins la plus grande confiance dans Son Excellence ; et d'après ce qui s'est passé entre lui et moi, je n'hésite pas à dire que Son Excellence mérite toute la confiance, non seulement de mes amis dans cette chambre, mais encore de tous mes concitoyens, quelque soit l'origine à laquelle ils appartiennent. Mais cette confiance n'est pas la même dans son cabinet ; tel qu'à présent constitué. Si, individuellement, quelques membres de ce corps ont droit à ma confiance, ils n'y ont aucun droit collectivement.

Cependant, Mr. Le Président ; voulant rendre justice à l'honorable Procureur Général, Je (sic) lui déclare que les sentiments que personnellement il nous a dit entretenir envers mes compatriotes Canadiens français, et qu'il vient d'exprimer, sont propres à lui gagner tout mon estime et celle de mes amis ; et puisqu'il est mû par des vues si honnêtes et si libérales, il est malheureux de le voir placé dans une fausse position qui est telle que ses actions, libres ou non, l'exposent à perdre tout le mérite des sentiments qu'il a exprimés, puisqu'il nous déclare lui-même que cette position relative l'a empêché de les faire prévaloir.

Néanmoins je suis bien sensible à l'aveu de l'honorable procureur Général, qu'avant de rencontrer mes compatriotes, il avait été bien préjugé contre eux ; mais que depuis qu'il était venu en rapport avec eux durant la dernière session, il s'était convaincu que ces préjugés étaient injustes et mal fondés, et qu'ils (sic) prenaient plaisir à le reconnaître publiquement.

Il reconnaît qu'il faut au gouvernement, pour rétablir la paix et le contentement général, la co-opération active des Canadiens français. Non-seulement ce serait là un acte de justice, mais c'est encore un appui que la nécessité appelle. Oui, cette co-opération est absolument nécessaire au gouvernement. Oui, il la lui faut ; oui, il nous faut la lui donner, mais à des termes qui ne puissent en rien diminuer, ni affaiblir notre honneur et notre caractère. L'acte d'union, dans la pensée de son auteur, a été d'écraser la population française ; mais l'on s'est trompé, car les moyens employés ne sont pas complétés pour produire ce résultat. La masse des deux populations du Haut et du Bas-Canada, ont des intérêts communs, et elles finiront par sympathiser ensemble.

Oui, sans notre co-opération active, sans notre participation au pouvoir, le gouvernement ne peut fonctionner de manière à rétablir la paix et la confiance qui sont essentielles au succès de toute administration. Placés par l'acte d'union dans une situation exceptionnelle et de minorité dans la distribution du pouvoir politique, si nous devons succomber, nous succomberons du moins en nous faisant respecter. Je ne recule pas devant la responsabilité que j'ai assumée, puisque dans ma personne le Gouverneur Général a choisi celui par lequel il voulait faire connaître ses vues de libéralité et de justice envers mes compatriotes. Mais dans l'état ... ((d'asservissement)) où la main de fer de lord Sydenham a cherché à tenir la population française, en présence des faits qu'on voulait accomplir dans ce but, je n'avais, comme Canadien, qu'un devoir à remplir, celui de maintenir le caractère honorable qui a toujours distingué nos compatriotes et auquel (sic) nos ennemis les plus acharnés sont obligés de rendre hommage. Ce caractère, Monsieur le Président, je ne le ternirai jamais !!

Pour faire apprécier à la chambre la position particulière où je me suis trouvé, on me permettra de faire remarquer qu'avant l'union des deux provinces, chacune d'elles était soumise à une législature séparée. Des luttes de principes et de vues politiques se sont engagées dans ces législatures. Des sympathies se sont formées entre des hommes soutenant la même cause, mais ne se connaissant pas encore personnellement. Ces sympathies étaient plus ou moins fortes entre ces hommes politiques, selon qu'ils étaient plus ou moins engagés dans ces luttes parlementaires. Ces sympathies, Mr. le Président, se sont accrues, sont devenues plus pressantes, du moment que ces hommes, en faisant leur entrée dans cette chambre, ont pu se serrer la main mutuellement. Telle est, entr'autres, la position de mon honorable ami du comté de Hastings, à l'égard de nous Canadiens français. Ces relations, Mr. le Président, ont créé non seulement des sympathies, mais elles ont encore créé des obligations morales auxquelles le sentiment seul de l'honneur nous faisait un devoir impérieux, et à moi en particulier, de ne pas manquer, j'y suis resté fidèle. Voilà la cause en partie de cette position que j'ai à défendre aujourd'hui.

Je vais procéder maintenant à expliquer mes entrevues avec Son Excellence. Ces explications sont bien désagréables et pénibles ; mais encore une fois la faute en est au cabinet

de Son Excellence, tel qu'à présent constitué. Ce sont eux, et non pas moi, qui ont rendu ces explications inévitables, en conseillant à Son Excellence de communiquer à cette chambre une lettre qui n'aurait jamais dû lui être communiquée dans les circonstances actuelles, et surtout d'après ce qui s'est passé entre Son Excellence et moi.

Cette lettre ne m'a été remise par Son Excellence qu'aujourd'hui à une heure de l'après-midi, et par conséquent peu de temps avant l'ouverture de cette séance. J'ai si bien regardé cette lettre comme privée, comme étant de la nature de mes entrevues avec Son Excellence que je l'ai laissée sous clef à ma maison de pension. Si on devait en faire usage dans cette chambre, je dis, avec néanmoins tout le respect possible pour Son Excellence, que Son Excellence aurait dû me l'intimer. Le reproche que je fais à son cabinet, de lui avoir donné un conseil qui tendait à le compromettre, est donc juste et bien mérité. A une telle lettre, il était naturel de penser, même sans s'en expliquer en termes exprès, que je devais faire une réponse par écrit, soit que je fusse disposé à donner un refus préemptoire ou conditionnel ; et je déclare que je n'ai point donné de refus préemptoire (sic). Avaïs-je le temps de faire une réponse par écrit entre le moment où cette lettre me fut remise par Son Excellence, et l'heure de l'ouverture de cette séance ? Il y avait impossibilité à le faire. Grande a donc été ma surprise, quand, arrivé dans cette chambre, j'ai entendu l'honorable Secrétaire pour le Haut-Canada me dire que le cabinet entendait faire usage de cette lettre en la lisant à cette chambre comme moyen de défense. J'ai voulu lui en remontrer l'inconvenance, mais sans succès ; et alors je me suis empressé d'envoyer chercher la lettre à mon hôtel. Dans cette lettre, Son Excellence fait allusion à nos entrevues précédentes que j'ai également regardées comme privées. Depuis que je suis à Kingston, j'ai eu trois entrevues avec Son Excellence, à sa demande, l'une samedi, la deuizième (sic) dimanche, et la troisième aujourd'hui. Je n'ai qu'à me féliciter de ces entrevues. Elles m'ont convaincu que Son Excellence voulait réellement rendre justice à toutes les classes des sujets de Sa Majesté ; et aussi lui ai-je donné ma pleine et entière confiance, lui donnant en même temps, autant qu'il était en mon pouvoir, l'assurance de celle de mes amis et de mes compatriotes.

Je vois que le but du cabinet, en communiquant cette lettre à la chambre, est de faire revivre plus fort que jamais, l'assertion si souvent faite par nos ennemis, que les Canadiens-français sont *impraticables* ; qu'il est inutile au gouvernement de leur tendre la main, et les appeler au pouvoir. Cette pensée, Mr. le Président, je la repousse de toutes mes forces ; cette pensée était la pensée favorite de feu lord Sydenham, dont la volonté tyrannique a tant opprimé mes compatriotes. Dans quelle occasion les Canadiens français ont-ils été appelés à prendre part activement à l'action politique et administrative du gouvernement, de manière à exercer la juste influence qu'ils ont droit d'y avoir ? Jamais, M. le Président, cette occasion ne leur a été offerte, accompagnée de ces garanties dont le ministère reconnaît aujourd'hui la nécessité et la justice. Je suis peut-être le premier auquel une proposition de cette nature a été faite avant l'arrivée du présent Gouverneur Général. C'était sous Lord Sydenham quand il m'offrit la charge de Solliciteur Général, je l'ai refusée ; je devais le faire si je voulais conserver mon indépendance. Je sais que quelques amis m'ont blâmé dans le temps ; ils m'ont approuvé depuis : et quant à moi, je dis, dans toute la sincérité de mon cœur, que je ne m'en suis jamais repenti.

Depuis mon arrivée à Kingston, Son Excellence a cru devoir m'envoyer chercher. A la première entrevue, je trouvai qu'il me plaçait sur un terrain (sic) assez étendu pour me permettre d'effectuer ses bonnes et bienveillantes dispositions envers mes compatriotes ; à la seconde, il m'a semblé que le terrain (sic) me laissait moins de latitude quant à l'action du pouvoir politique ; mais les sentiments de justice de la part du gouvernement à l'égard de mes compatriotes, n'en étaient pas moins les mêmes. Le résultat de ses offres était de me placer moi et un ami dans le cabinet ; nous y aurions été en minorité. Il voulait nous y appeler comme Canadiens français, et comme un commencement de justice envers mes compatriotes. Sur ce pied, nous aurions pu peut-être accéder aux propositions bienveillantes de Son Excellence, sans manquer à nos obligations envers mon honorable ami pour le comté de Hastings, d'autant plus que mon honorable ami a toujours été prêt à donner son assentiment à tout arrangement qui aurait pour but de faire justice à mes compatriotes. Mais pour accéder à cette proposition, il nous fallait, (et c'en était la conséquence naturelle,) obtenir liberté d'action sur les mesures de cabinet, puisque étant placé en minorité et sans l'accession d'aucun ami du Haut-Canada, nous ne pouvions espérer y exercer aucune influence, ni y faire prévaloir nos opinions. La conséquence dont je viens de parler ne fut pas niée par Son Excellence. Mais il ne pouvait promettre cette liberté d'action ; au contraire, il s'y est refusé ; et Son Excellence avait raison ; car c'eût été contraire à l'action du principe de gouvernement responsable récemment introduit dans notre constitution, principe que j'approuve, quoique malheureusement sous l'administration du prédécesseur de Son Excellence, on lui

a donné une fausse direction dans la pratique. Il me fallait donc moi et mon ami assumer la responsabilité des actes et des mesures de l'Exécutif, ((c'est pourquoi)) on résigna. L'on nous soumettait donc, et avec raison, à l'action du principe de gouvernement responsable. Mais alors nous étions placés sur un autre terrain (sic). Il nous fallait alors une part efficace du pouvoir politique ; il nous fallait non seulement une légitime influence auprès des membres Canadiens français, mais encore la même influence auprès des membres du Haut-Canada. Nous ne pouvions espérer obtenir par nous-mêmes cette influence. Ainsi placé, n'avais-je donc pas raison, n'avais-je pas même le droit de demander l'assistance de mon honorable ami pour le comté de Hastings dans le conseil Exécutif ? Oui, j'en avais le droit, si bien que l'honorable Procureur-Général le reconnaît lui-même ; ainsi des raisons politiques, de même que celles de l'honneur et de la reconnaissance me faisaient un devoir impérieux, de l'aveu même de l'honorable Procureur-Général, de faire de l'entrée au conseil de mon honorable ami pour le comté de Hastings, une condition *sine quâ non* de mon acceptation des offres de Son Excellence, en un mot, pour me servir des termes de la lettre de Son Excellence.

Mon accession au gouvernement devait être satisfactorie (sic) pour mes compatriotes, et en même temps accompagnée de cette confiance mutuelle qui seule pouvait rendre cette accession avantageuse au pays.

J'avais la conviction que je n'aurais pu atteindre le but de Son Excellence, sans l'assistance de mon honorable ami pour le comté de Hastings. Du moment qu'on m'a eu concédé ce point, on devait être prêt à faire disparaître tous les obstacles qui, dans sa position particulière, pouvaient empêcher mon honorable ami d'entrer dans le cabinet. C'en était la conséquence naturelle, on devait donc s'y soumettre. Cette conviction était si forte dans mon esprit qu'elle était inébranlable et m'imposait la ligne de conduite que l'on veut me reprocher aujourd'hui.

La preuve que je voulais, en autant qu'il dépendait de moi et de mes amis, faciliter à Son Excellence tous les moyens de réaliser ce qu'avec raison il appelait un grand acte de justice pour la population française, c'est que je lui déclarai plusieurs fois, qu'en supposant même que je pourrais avoir des objections personnelles à aucun des membres du Conseil, choisis dans le Haut-Canada, je croyais de mon devoir de ne pas les faire valoir, tant il était vrai que l'administration du Haut et du Bas Canada devait être laissée, aux Conseillers de chaque Province respectivement ; mais en même temps je déclarais à Son Excellence, comme c'était mon devoir de le faire, que si mon honorable ami pour le comté de Hastings avait des objections de cette nature à faire valoir, je serais obligé de les appuyer.

Quant au Bas-Canada, j'acceptais les arrangements proposés dans la lettre de Son Excellence. Quant au Haut-Canada, puisqu'il était reconnu que, pour des raisons politiques, mon honorable ami pour le comté de Hastings ne pouvait siéger dans le Conseil avec l'honorable Procureur-Général, l'on ne pouvait ignorer que, pour les mêmes raisons, mon honorable ami avait les mêmes objections à faire valoir contre M. Sherwood, Solliciteur-Général du Haut-Canada. Il ne pouvait donc entrer dans le Conseil avec ce dernier, à moins de se mettre dans une fausse position, et de s'exposer en outre au soupçon d'être mêlé dans sa conduite par des motifs purement personnels contre l'honorable Procureur-Général. Mon honorable ami a donc dû insister sur la retraite de M. Sherwood. J'ai donc dû appuyer cette demande. La lettre de Son Excellence n'accordant pas ce point, j'ai exposé à Son Excellence que je regrettai beaucoup qu'il n'y eût pas plus de temps pour délibérer avant la séance de la chambre, que tant que cet obstacle existerait, il me semblait qu'il ne me laissait point de latitude ; que néanmoins j'espérais qu'il pouvait le faire disparaître bientôt, de même que les deux autres que je mentionnerai dans un instant ; et qu'alors il pourrait en tout temps commander mes services.

En outre, les deux nominations récentes que Son Excellence avait faites dans son conseil, de deux honorables individus de vues politiques entièrement opposées, justifiaient encore, ce me semble, mon honorable ami, de demander pour lui dans le conseil l'entrée et le concours d'un de ses amis politiques, afin de rendre évident aux yeux de cette grande partie de la population du Haut-Canada dont il représente les sentiments, que son adhésion au Cabinet était un nouveau gage des vues nobles et désintéressées qui ont toujours caractérisé sa conduite.

Une autre objection à accepter de suite les arrangements proposés par Son Excellence, c'est la condition que sa lettre nous imposait de nous lier à faire voter des pensions de retraite. C'était nous lier à un principe que mon honorable ami et moi nous ne pouvions consacrer. Voilà, M. le Président, les seules raisons qui ne m'ont pas permis de conclure aujourd'hui, à une heure, les arrangements proposés par Son Excellence.

Ce n'est pas la première fois que depuis l'arrivée du Gouverneur-Général, l'on m'a fait des ouvertures pour entrer dans le Conseil Exécutif. Je regrette d'être forcé d'avoir à faire

part à cette chambre d'une entrevue qui a eu lieu à cet égard entre l'un des membres du cabinet, (M. Sullivan) et moi. Ce sont eux qui me forcent à le faire, par le procédé inexcusable auquel ils ont cru recourir pour se défendr (sic) dans leur situation chancelante.

En Juillet dernier, étant à Québec, à la Cour d'Appel l'honorables Sullivan me demanda une entrevue à moi et à un de mes amis. Je lui fis part des conditions auxquelles j'étais disposé à entrer dans le Cabinet. On se sépara, et l'on me dit alors, *let the matter stand as it is till we meet*. Les honorables membres qui siègent au *treasury bench*, en ont-ils su (sic) quelque chose ? Avaient-ils autorisé M. Sullivan à avoir cette entrevue ?⁶⁰

Ici **M. Draper** fait un signe négatif.⁶¹

Alors, dit **M. LaFontaine**, comment voulez-vous qu'on repose confiance dans un Cabinet dont les membres semblent se dénier les uns des autres, et dont on dit ouvertement que chacun d'eux est prêt à sacrifier ses collègues, pour garder son siège (sic) ? N'y a-t-il pas là absence de cohésion, de vitalité dans le Conseil ? Au contraire ne sont-ce pas là des raisons suffisantes pour démontrer que non seulement il n'y a pas de cohésion dans ce corps, mais que même il renferme dans son sein un principe de destruction ? Oui, ce ministère, tel qu'à présent constitué, ne saurait exister longtemps. Sa dernière ancre de salut, c'est de reconnaître la nécessité de la co-opération des Canadiens-Français, et d'implorer cette co-opération. Il vaut mieux tard que jamais.

Pourquoi donc avoir attendu jusqu'à la dernière heure, surtout quand on entend l'honorable Procureur-Général dire que dès l'hiver dernier, il avait conseillé à Son Excellence d'opérer cette co-opération ? Qui donc y a mis des entraves ? Si on ne peut le découvrir, le fait n'en existe pas moins ; et ce fait seul suffit pour appuyer le vote de manque de confiance, et rendre évident la nécessité de reconstruire ce Cabinet d'une manière ou d'une autre.

Une autre raison pour moi d'appuyer ce vote, c'est le mépris que les membres du Cabinet ont montré envers mes compatriotes du Bas-Canada, n'importe à quelle origine ils appartiennent. Pendant plusieurs mois, et en l'absence de l'honorables membre pour Mégantic, qui représentait dans le Cabinet le Bas-Canada ? Personne. Toute l'administration des affaires du Bas-Canada était laissée aux mains d'un jeune homme, clerc ou assistant de l'honorables membre pour Mégantic. N'y a-t-il pas eu là du mépris, même une insulte envers le Bas-Canada.

L'absence de tout nom français dans le Cabinet, n'est-elle pas une circonstance qui emporte (sic) une injustice, même une insulte prémiditée (sic) ? mais, dira-t-on, "vous ne voulez pas accepter d'emploi." Ce n'est pas là une raison, mes amis et moi, il est vrai, nous ne voulons pas en accepter sans des garanties ; mais puisque vous avez bien trouvé quelques noms français pour siéger dans le Conseil, même pour assister à la cour martiale, ne pourriez-vous pas en trouver de même force pour siéger dans le Cabinet ? non pas qu'un pareil choix aurait assuré la co-opération de mes compatriotes ; mais du moins on aurait eu l'apparence de ne pas dédaigner entièrement une origine qui est celle de la moitié de la population. Non les honorables membres du Cabinet ne l'auraient pu, quand même ils l'auraient voulu, sous l'administration de Lord Sydenham. Ils n'étaient là que pour exécuter ses volontés. Ils ont prouvé qu'ils n'avaient pas la force d'y résister. Lord Sydenham leur imposait silence.

Ils s'y soumettaient servilement. Croit-on que ce serait pour marcher sur leurs traces, que je consentirais à entrer dans le conseil ? avant tout je préfère mon indépendance, les dictées de ma conscience. Quand je serai appelé à donner mes avis au représentant de Sa Majesté, je manquerais à mon devoir envers lui, si je n'agissais pas avec franchise et indépendance ; je manquerais également envers mes compatriotes et envers moi-même. Ce n'est pas que d'aujourd'hui que je suis engagé dans la vie publique. Il y a déjà plusieurs années que j'ai commencé ma carrière. Je n'ai pas à rougir du passé ; je ne veux pas avoir à rougir du présent, ni de l'avenir.

Voilà l'exposé que j'avais à faire à cette chambre. J'en appelle avec confiance à sa décision. Je le répète encore, une grande responsabilité a pesé sur ma tête ; j'en connaissais toute l'étenue. J'aurais voulu que Son Excellence eût appelé un de mes honorables amis, que je ne nommerai pas pour ne point blesser sa modestie. Comme cet ami, canadien-français comme moi, a toute ma confiance et mon estime, j'aurais donné à l'administration dont il aurait fait partie, un appui cordial et sincère. Les circonstances en ont décidé autrement. J'ai dû m'y soumettre.

Trop longtemps, sans doute, j'ai abusé de la patience de cette Honorable Chambre. Mais les explications que je viens de donner, je les devais à mes compatriotes, à mes amis, et à moi-même.⁶²

Mr. Aylwin was somewhat astonished at the singular discussions and revelations now made having merely met to discuss the answer to His Excellency's Speech; but supposed them necessary, to try to secure the confidence of the House. Did not see what arguments were used to show that the House ought to sanction their proceedings, but thought it a trick, to try to direct attention to other subjects, and thus escape the vote that this House will be called upon to give. Mr. Attorney General Draper has laid before us a letter, placed in his hands to-day, under circumstances rather strange and extraordinary, and it would appear, if we could suppose such a thing, that His Excellency had lent himself to a trick to be practised upon his hon. friend Mr. Lafontaine.⁶³ I can no more believe His Excellency would sanction such a step no (sic) more than I can believe that we are not here to-night.⁶⁴ With reference to the communication, he knew nothing of it until his friend mentioned it during a short and hurried walk.⁶⁵ ((It)) had only been sent to his hon. friend (Mr. Lafontaine) shortly before two o'clock, and without giving that gentleman time to consult his colleagues or those who acted with him, the house meeting at 3, the letter was now produced to the house, with the information that the proposal which it contained had been rejected.⁶⁶ He could not believe it was done for the purpose of securing a strong Government, but to throw a missile among them — to create confusion and perplexity. The thing was like pandora's box, it was no sooner opened than out sprung the strange discordant contents. The Att. General has affected great magnanimity and made great sacrifice, and all to render the path smooth: and he has tendered his resignation. What is there in his position calling for him alone to act such a part? Why did not his colleagues act the same part? He offered a clue to the unravelling ((of)) the mystery — because the hon. and learned Attorney General could not act with his hon. friend, the member for Hastings (Mr. Baldwin) — a man who stated that he is a Canadian by birth, a man of standing, character and talent, and with whom no one could be ashamed to co-operate. But although he would not act with him he had acted with the honorable member for Oxford; he would not act with the master but had no objection to act with the disciple. Why was it that when called upon to assist in obtaining the just claims of the French Canadians he remained silent, and give (sic) his assent to the acts of a Governor who had degraded the French more than any other that was placed over the destinies of this country. He (the At. Gen.) assigned his position to be because he could not obtain justice for the French — but with all his pretensions (sic) elegance of manners and eloquence, he did everything to rivet the chains upon the Canadians; and when an opportunity was given to extend the hand of fellowship, he extended it with a sword. He cast all such considerations aside, and had only one object in view, to do the will of the late Governor General. He alluded in rather a touchy manner to his personal sacrifices — and his voluntary resignation of office to promote the public good, and affected great magnanimity about it. He, Mr. Aylwin, did not wish him or any man, to sustain any pecuniary loss, and with one or two exceptions he could feel sympathy for the losses of all the members of His Excellency's Council, but as a public man he called for their resignation. He then alluded to certain Despatches of Lord John Russell, stating the course which Gentlemen ought to adopt when their labours were no longer serviceable or wanted — that they should resign office, that others more worthy should occupy their places. The hon. the Attorney General is supposed by the people of the Lower Province to be the enemy of responsible government, — what altered his opinions and induced him to take office under such circumstances? But why talk to us in the way he has done, about his sacrifices. Either the present Cabinet do or do not possess the confidence of this House. If they do, why open the correspondence with his hon. friend Mr. Lafontaine? If they knew they possessed the confidence of the House why not call upon it to answer the Speech. But they know now that they do not possess that confidence. If His Excellency had had confidence in the Attorney General he would not have received his resignation. The hon. Attorney General alluded to attacks that had been made upon him. Yes, he (Mr. A.) had read attacks upon him by his colleagues — he read a character drawn by the hon. member for Oxford of all his colleagues; and yet that was no objection to his being received among them. The ministry now want the master mind who would govern the people by his own dominant will, who would say come here, and go there, and do, and it should be done. A private man may descend to the grave, and when dead no more is said, but it is not so with public men — their acts live after their bodies have been consigned to the tomb. He referred to the practice of an ancient people; their kings, when living were sacred, but as soon as they died, their bodies were publicly exposed, and were subject to the odium or praise they merited through life. This it was that caused a Nero to be execrated and a Titus praised. The custom is not yet abrogated. In making these observations he had no personal feelings to gratify. The man who is now no more he never sued for favour. He never crossed his path and he had no feelings to prevent him from

being a fair and pious judge ; — and for these reasons he condemns his admiring or nominal advisers. In the Speech from the Throne allusion is made to the unhappy circumstances under which the last Session closed. I what necessity was there for that ? A year has now elapsed. Lord Sydenham had resigned, ^{id} received liberty to return home. He asked the reason why Parliament was not sooner called together ? Because the ministers could not get enough of bought members to muster into their ranks — not until they had exhausted the means of corruption. Yes, corruption stalked through the land. Why did not the Attorney General, who professes such great magnanimity, take this step long ago — why did he not make these statements — ⁶⁷

Mr. Draper, "he did state it." ⁶⁸

((**Mr. Aylwin**)) — then it was his business to tell the Governor General that it was necessary for him to renounce office if he did not carry out his measures on such impartial principles as to render equal justice to all the inhabitants of this Province. If he had done so then his position might have been envied. What is his position now ? Nothing but the tenacity with which a drowning man catches at a straw, could have induced him to adhere to office ; and yet he comes before us boasting of his sacrifices, and affecting the greatest magnanimity. He (**Mr. Aylwin**) could not regard the present attempt in any other light than to create confusion in the House — but it would turn against themselves. Another objection to his new-fledged zeal may be found in his reply to the question, who has represented Lower Canada during the time that has elapsed since the formation of the ministry ? Why, not one, *proh pudor* (sic) ? Not a single individual Mr. Attorney General, unless it be the person who calls himself the Assistant Secretary, and he represents the whole of Lower Canada. Who ever heard of a Government carried on under such circumstances ? Yet with this fact before us, the hon. At. Gen. professes such a regard for their interest as to resign his office now, least he should be an obstacle in the way of that justice which is due to them. Not one Gentleman in the Cabinet was even partially acquainted with the Lower Province — hence the anomaly of men being Gazetted as Magistrates years after they were dead — and in the District of Quebec individuals had been appointed to offices who had left the District more than three years previously. He called upon hon. gentlemen to contradict this. In fact every act bore upon its front the marks of ignorance and carelessness respecting the state of the Province. The laws for that section of the Province were not even properly promulgated. He asked whether it was not so, and contended that while the Council might be a good one for Upper Canada — for Lower Canada it was no Council at all. You cannot speak of the Council but you hear it condemned on all sides ; and the public service requires that they yield their places to better men.⁶⁹ And the sooner they do it the better.⁷⁰ There was one point he feared, which was not fully explained. He referred to the communications between His Excellency and his friend Mr. Lafontaine. The hon. gentleman says this is not the first time he had been invited to take office. He was offered a seat in the Council by Lord Sydenham, but the circumstances under which it was made were such that he could not accept of it. — Since then His Excellency, while at Quebec in July last offered him a seat, but he refused, when His Excellency used rather remarkable language, which was given by Mr. Lafontaine. He (**Mr. Aylwin**) then contrasted the conduct of his friend and that of Mr. Draper.⁷¹ Every school-boy who is studying to become an Attorney has the image of being made the Attorney General one day or other placed before him by his fond father or perhaps doating mother ; and then in a day there is the pension. Oh the pension, the sugar-plum in the back ground. It is doubtless a very fine thing to come into office and walk out the moment any difficulty presents itself with a pension. He trusted that honourable gentlemen who would follow after the gentlemen whom he now saw on the treasury benches, would take warning by the example set them.⁷² He felt that he owed a debt of gratitude to the hon. member for Hastings, who would not be in office unless justice was done to all. But His Excellency is willing to make farther concessions — he is willing to give him colleagues. The hon. member for Hastings instead of having a greedy appetite for office does not want it, so there are two Attorney Generalships and one Solicitor Generalship a begging. After making some observations relative to Mr. Draper having proposed the principle of responsible government, he (**Mr. Aylwin**) ventured to say he did not wish to see all going out.⁷³ There were some one or two amongst them he could wish to see joined again with them ; perhaps the honourable gentleman himself might, after some consideration, be induced to change his mind.⁷⁴

"No, no," from **Mr. Draper**.⁷⁵

((**Mr. Aylwin** continued :)) "Behold what a delightful thing it is for brethren to dwell together in unity." He now hoped that justice was about being done to Lower Canada ; it

would be done ; they would have a strong ministry, and one that would act with justice to all classes.⁷⁶ And therefore he would vote with his hon. friend behind him, (Mr. Baldwin.)⁷⁷

Mr. Hincks, in consequence of the personal observations which had been made relative to him, rose to make such explanations as he deemed necessary. In the first place, he denied emphatically that any relations had existed between him and the honourable member for Hastings, which would warrant any member in speaking of him as having abandoned his master, or using the term disciple in reference to him. He acknowledged the satisfaction he had felt in acting with the honourable gentleman the member for Hastings, for whose talents and character he had always entertained the highest (sic) respect : but he denied that there was ever any relation subsisting between them, such as that which had been asserted by the honourable member for Port Neuf. When his duty to his constituents and to his country required of him to pursue a different course from that honourable gentleman, he had not hesitated to do it. After the Union of the Provinces, they were united on the question of responsible government, a subject which had not then been conceded by the ministry, and one on which, so long as it was withheld, they were determined to oppose the administration.⁷⁸ But that was now settled and conceded.⁷⁹ Another point of agreement was to obtain justice for Lower Canada ; and from those principles he had never departed. It was on the latter ground that he had advocated the union, and he could see no other way in which the justice which they desired could be obtained — he could see no other way in which their constitutional rights could be restored — or that equal justice could be meted out to all classes of Her Majesty's subjects. After the proclamation of the union, Mr. Baldwin accepted the office of Solicitor General for Upper Canada. In taking that step, he had placed himself in an extraordinary and responsible position. He approved of the selection, though he did not know any thing relative to the appointment until after it had taken place, it then became a subject of consideration what course under the circumstance, it was advisable to pursue. He (Mr. H.) was placed in a very difficult position ; as the editor of a newspaper, and a member of a party, he was every week obliged to express opinions, which after consultation he might have deemed it proper to abandon ; it was impossible that there should not exist differences of opinion on minor points among the members of a party, and it became with him a matter of anxious consideration what course it would be advisable to pursue.⁸⁰ He had confidential communications with more than one member for Eastern Canada, who agreed with him in the proposed course to be pursued, and he said so because misrepresentation exists upon the point, and that there were those who charged him with proposing extensive measures and declining to follow them up. He did not deny that he supported his hon. friend, at a period when it was thought right to alter the Executive Council, but here no responsibility rested upon him, for all his efforts were to get the people of the Lower Province to act with the reformers of Western Canada. He saw the Hon. member for Hastings, previous to their coming to Kingston, had agreed upon the course that ought to be taken at the commencement of the session, and that Hon. member was aware that much difference of opinion existed, he being of opinion that it was necessary to make a change in the Executive, and he must recollect that when he accepted a seat he did not repose confidence in those with whom he was called upon to act. Before he came to Kingston he considered himself pledged to support the line of policy he (Mr. B.) intended to take, believing that he would pursue it, but after coming and finding the principle of Responsible Government conceded, the grounds of his opposition were removed. He wished it to be understood that his chief opposition to the Executive was upon this question — and that as far as his communication with them went, he had found no difference of opinion upon points of public policy, and felt that there were some in whom he could place his confidence.⁸¹ With Mr. Draper, he had had previously no political communication, and although, as he had already stated, he was at the opening of the session, in favour of a change in the executive, yet, when the house had decided the contrary by a large majority, he would not offer any opposition. He had declared in the house and elsewhere that he was ready to give them a fair trial ; he would judge of them by their measures ; and he had acted upon that ground. He acted in concert with them upon one or two bills. The District Council bill, which he had advocated, had been made the object of a party opposition : the same course had been adopted in reference to the Bank of Issue, and the course which he then adopted had given satisfaction to those who had sent him there. His second return to Parliament afforded a more triumphant and a better vindication than he could offer. When opportunities occurred of conferring with the members of the Council, and of ascertaining their views of the policy which was necessary to to (sic) be pursued, especially in reference to Lower Canada, he found that there existed no difference of opinion between those honourable gentlemen and himself, and that they possessed none of those feelings which had been attributed to them by their

opponents; he found that he could repose the most unbounded confidence in the honourable member for Megantic, and the honourable member for Kingston, and others with whom he is now acting. He distinctly disavowed, and did so in the presence of his colleagues, who would correct him if he asserted that which was false, that in supporting the measures of the last session he had been influenced by any offers from the government.⁸² No sir, (said the hon. gentleman,) I disavow it, and I speak in the presence of my colleagues who would not allow me to say if untrue. I disavow it in the strongest and most emphatic manner, — No communication of any nature whatever, no intimation of any nature, was ever given which influenced him in the course he adopted. He was accused of being purchased and Mr. Aylwin had made the invidious insinuation, which he cast from him with honest indignation. He appealed to the hon. member for Montreal who knew the opinions he entertained, and had endeavoured to carry out, or he appealed to the hon. member for Hastings himself, whether he had not stated it to be a measure of the greatest importance, at a time when he had not even seen Lord Sydenham, or had any conference with any member of the Government. The measures of last year he supported from the conviction that, in doing so, he was performing his duty to his country. He had watched the Government closely and had seen nothing in its policy which he could not support. He had already stated that the views of his colleagues towards Lower Canada are most liberal, and the document read to-day proves this to be the case. They were accused of inconsistency and of being a divided Cabinet. If there are differences of opinion all he could say was that his communication with them had not enabled him to discover them.⁸³ In assisting to prepare measures for the present session, he had observed no such thing —⁸⁴ And he wished it to be understood that there was no disunion in the Council. With reference to the remarks that had been made as to his forming part in a cabinet, the members of whom he had expressed such harsh opinions of thro' the press, he would say that he was not prepared to take the responsibility of refusing to assist an Administration from mere personal motives, but he trusted that at all times he would be ready to perform his duty to his country independently of personal feelings. The hon. gentlemen, Mr. Aylwin and the member for Hastings, have asserted that the Cabinet does not possess the confidence of the house — that they hold office in defiance of public opinion, and that they will turn them out.⁸⁵ It is possible that we have not a majority. Why? Because the liberal policy pursued has caused some of those who were formerly supporters of the government to withdraw that support. But if the honourable member for Hastings carries the resolutions which he has this day proposed, it will only be by the assistance of those to whom he is diametrically opposed.⁸⁶ It has been insinuated that we are tenacious of office. We have no feelings of reluctance to act with those of Lower Canada, and the hon. member for Hastings, and having tendered our advice to his Excellency, would it not be inconsistent at present to tender our resignation. The Att. General's resignation was confined to himself for reasons which that Gentleman had stated to the house, but which did not apply to his colleagues who are not placed in the same position. He had never felt any desire to be an obstacle to the conducting the Government of the Country. But he denied that they were placed in the position asserted by some hon. members, the division would test that point. He was satisfied that the Speech would give satisfaction to the Country, notwithstanding the assertions of his hon. friend, and that the resolutions in reply would be carried by a majority of that house.⁸⁷

Mr. Johnston — after a few prefatory remarks, he observed that the gentleman on the Treasury benches were in the habit of coming in at the eleventh hour, to give up their thousand a year. The hon. member for Oxford who had lately got his thousand a year, though he wanted the confidence of the people, yet he had confidence enough to make a man of himself. He begged leave to read an extract from the *Examiner*, of June 24, 1841, for the information of his hon. friend, Mr. Draper, (the extract was here read, but it produced so much laughter, that it could not be heard distinctly — it was concerning Mr. Draper's⁸⁸ character, and Mr. Harrison's political course.⁸⁹ The Speech from the Throne was the most flimsy thing of the kind, that was ever laid on the table of the House. In fact it was nothing but a volley of types. The Ministry said among themselves, we stand on slippery ground — let us get through as easy as we can; so by their easy pliant way, they endeavour to run their accommodation coach through any Act of Parliament. If the present dishonest Government be allowed to continue in office, Canada would not remain a British possession long. He himself would go to Van Dieman's land, sooner than remain in Canada.⁹⁰

Mr. Baldwin then replied to Mr. Hincks' address, by stating that he (Mr. Hinck's) (sic) never consulted the party to which he had belonged, previous to the acceptance of the office he now holds.⁹¹ He said that if the proposition which had been read to the house had been seriously intended, it should have been made months ago. It was no time to

make such a proposition to them when they were actually engaged in considering the speech from the house (sic). Could they in so short space of time, make up their minds to take the responsibility of the measures concocted by their predecessors in office? He was surprised to hear the hon. gentlemen speak of their desire to do justice to Lower Canada. If, when he had the honor to be one of the advisers of the head of the government, he had the assistance of the hon. member for Megantic, or the hon. member for Toronto, he had no doubt he would have carried it with the late head of the government. He had always acted upon that principle, and hoped he ever should, which seemed to him the safest, that "honesty is the best policy."⁹²

Mr. Dunn — "stick to that."⁹³

((**Mr. Baldwin** :)) The hon. member says; "stick to that" and I can assure him I ever will. He objected strenuously to the pensioning of Mr. Ogden; if they accepted office under such a proposal, the very moment of their taking office would be disgraced by sanctioning a principle which would degrade the country.⁹⁴

Mr. Thorburn thought that it was intended that by conversations, members might better explain their views upon the important subject now before them, and agreed with the member for Quebec that a committee was the best for this purpose. He considered it necessary to exchange their views freely, and he would declare his so that the public might know them, and know also the principles professed by the party headed (sic) by the hon. member for Hastings, as well as his own. He would ask him from his place in the house, what were the principles professed by the opposition? One of the great principles contended for by the Reformers of Upper Canada, was Responsible Government, and he would ask the hon. member for Hastings to lay his hand upon his heart and say whether these gentlemen with whom he was acting, had introduced, and were determined to carry out into practice, that important principle. He believed they did not intend it. He thought they opposed it.⁹⁵

"No, no" from the opposition.⁹⁶

((**Mr. Thorburn** :)) He was glad to hear it, and could assure them that it was the first time he had heard it avowed. He contended that there should be a distinct understanding upon this point, and a full knowledge possessed whether this principle is intended to be carried out before any resolutions were framed upon the subject. What was the chief grounds of their opposition at present? Was it measures. No. The measures of the present Cabinet were liberal. No. It was not upon measures, but men. He cared not where the men came from; whether from Gaspé or Sandwich; if their measures were such as to meet the approbation of the people, and the wants of the country. The Municipal Council Bill was frequently alluded to. Who opposed certain parts of that measure from mere party principle? Did not the hon. member for Hastings do so, and I joined him because I thought him sincere. Nor there is no (sic) objection on the part of the people, because the Warden was not elective. He believed they had not a single petition from any part of the country calling upon them for a repeal of that clause, than which nothing could be ((a)) more perfect demonstration of the satisfaction experienced upon the point.⁹⁷

"Yes, yes," from ((the)) opposition, "one."⁹⁸

((**Mr. Thorburn** continued :)) Well then, if there be only one,⁹⁹ from Wellington¹⁰⁰, it shows clearly enough that I am right, and where has there been a public meeting held at which any objection has been advanced to the measure?¹⁰¹ But how had the case been in Lower Canada? In that portion of the Province they had the exhibition of men elected to the office of Councillors refusing to act, and thus giving a practical proof of their hostility to self-government.¹⁰² When his hon. friends in Lower Canada hailed the great principle of Responsible Government, or the Municipal District Bill, which they will not act upon, because money has to be raised, and he wished them all liberty upon the matter — then he would be ready to enter into consultation with them upon the matter now before them. He said he also was an advocate for the Union Bill, and he wanted to know whether gentlemen opposite were friends to this as well as Responsible Government. He should like to know their sentiments upon this point clearly and distinctly; and when he discovered their adherence to these great principles, then perhaps he would be prepared to give them his support. He considered it right to wait to see the measures that may be introduced, but the present opposition arises from personal animosities and enmity. Let them remember the result of the hasty conduct of the Reformers in Upper Canada. Sir Francis Head appealed to the people, and they gave their verdict against them, and the consequence was, that some got

the gibbet. Peace has now happily been returned, and let the past be forgotten. He was particularly struck by the reference which some hon. members had made to the subject of salaries and pensions, but he would ask who first proposed an increase of salaries? Why the hon. member for Hastings himself. He (Mr. B.) proposed a salary of £1000 to the Speaker, when the Ministry proposed £750, and he (Mr. Thorburn) had moved an amendment that it should be only £500. Let us have a more full explanation of your views that all may understand. It will not do for us to go to the people — to meet our constituents without being able to give our reasons. Suppose we should be sent to the country to ask the support of the people? What could we say? We could give them no satisfactory reason for adopting the course now proposed to be pursued. He would ask the hon. member from Hastings what support he could expect from those Church and State Gentlemen? But suppose he could gain his object, will that bring peace? What are certain parties looking for and rejoicing at, but the hope of a split, of a division in the ranks of those whose common duties and interests demand that they should be united in their endeavours to promote the good of their country, and he would consider that he was not faithfully discharging his responsible duties, or fulfilling the professions made and rendered sacred by his oath in the House, to rush on prematurely in adopting the course proposed by the opposition. He professed himself the advocate for Responsible Government and the Union, but not for deranging the Government of the country by mere struggles of party. When parties come together so completely different in many respects, it will be a work of time before they can coalesce, but he hoped that time would come; but if the gentlemen opposite be the friends of Responsible Government and the Union let it be distinctly understood, and as their views now stand, with our puerile amount of knowledge about the principles of the opposition, it was not easy to know how to act, but he considered that those giving their support to principles not rightly understood, were not faithfully performing their duty to their country.¹⁰³

Mr. Draper. — When the hon. gentleman from Hastings asks me why, when possessing opinions with respect to Lower Canada such as those which I have to-day avowed, I did not assist him in such a representation to the late head of the Government, he should bear in mind that he carefully abstained from letting me know that he entertained such opinions — that he never gave me an opportunity of knowing that he professed such sentiments. The hon. gentleman, before he concluded, gave a rebuke to Mr. Aylwin, who had ... ((spoken)) against Lord Sydenham, and passed a splendid, heartfelt eulogium upon that nobleman's talents and reputation — quoting, at the close for the especial benefit of Mr. Aylwin, the fable of the ass kicking the dead lion.¹⁰⁴

Captain Steele ... made some ... remarks¹⁰⁵.

Dr. Dunlop followed, in support of the Ministry ... declaring, that although he possessed no peculiar confidence in the present Ministry, yet bad as they were, they were far better than those whom it was proposed should succeed them.¹⁰⁶

(9)

and after some time spent therein,

(10)

Mr. Speaker resumed the chair :
And Mr. Armstrong reported that the Committee had made some progress and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again tomorrow.

Then, on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Attorney-General Draper,
The House adjourned.

Appendix, 13 September 1842.

((Notice of Proposed Motions.))

M. Thompson : ((a donné avis)) d'un bill pour autoriser la détention des débiteurs dans certains cas¹⁰⁷.

Mr. Thompson gave notice of a bill for the encouragement of the destruction of Wolves.¹⁰⁸

Mr. Forbes gave notice of an address to His Excellency, to cause to be laid before the House, the report of the Post Office Commission.¹⁰⁹

Mr. Aylwin gave notice of a bill to amend the Sleigh ordinance, at present in force in Eastern Canada.¹¹⁰

M. Crane : ((a donné avis d')) un comité pour examiner les moyens les plus praticable de faire disparaître les obstructions auxquelles est sujette la navigation de la rivière Ottawa, du canal des Rideaux, du fleuve Saint Laurent et autres eaux intérieures de la province.¹¹¹

M. Burnet : ((a donné avis)) d'un bill pour rétablir les anciennes limites de la cité de Québec, pour les élections de représentants.¹¹²

((Petitions Presented.))

Mr. Cameron — ((Presented)) a Petition of Charles Symmes, complaining of the undue return of D.B. Papineau, Esq.¹¹³

Footnotes — 13 September 1842.

1. "The Speaker took the chair at 3 o'clock, and the house was soon densely crowded...." KINGSTON CHRONICLE, 17 September 1842. The MONTREAL GAZETTE, 19 September 1842, was even more graphic. "The House of Assembly, in anticipation of the exciting topic — the consideration of the reply to His Excellency's Speech — was crowded to suffocation."

2. "Relating to the grant of a certain property from Government in free and common soccage, and praying relief." MONTREAL TRANSCRIPT, 20 September 1842. See also L'AURORE, 22 September 1842.

3. "For the said County to be formed into a new district." MONTREAL TRANSCRIPT, 20 September 1842. See also L'AURORE, 22 September 1842.

4. "And other Townships comprised in the Municipal and Judicial District of Nicolet, for a Change of the place for holding the Municipal Council and District Court." MONTREAL TRANSCRIPT, 20 September 1842. See also L'AURORE, 22 September 1842.

5. "Six Petitions of the Municipal Council of the District of Niagara, for amendments to the Municipal District Act and Common Schools Act; for a revision of the Assessment Laws of Canada West; for the admission of the products of this Province into Great Britain, duty free, and for a duty upon American products; for aid towards completing the main road from Queenston to the western boundary of Grimsby; for the repression of alleys and roulette tables and other places for the resort of the idle and dissolute, or the imposition of a heavy tax on them; and for the removal of the site of the District Town." MONTREAL TRANSCRIPT, 20 September 1842. See also L'AURORE, 22 September 1842.

6. "Macpherson, Crane & Co. and others engaged in the forwarding trade, for the enlargement, &c., of the Lachine Canal." MONTREAL TRANSCRIPT, 20 September 1842. See also L'AURORE, 22 September 1842.

7. The debates on the Throne Speech were reported by: WESTERN HERALD, 29 September 1842, copied from TORONTO HERALD; LE CANADIEN, 30 September 1842, L'AURORE, 26 September 1842, copying from LA MINERVE, 23 September 1842; EXAMINER, 21 September 1842 and ST. CATHARINES JOURNAL, 22 September 1842, in identical accounts; MONTREAL GAZETTE, 17, 19 September 1842; and KINGSTON CHRONICLE, 17 September 1842. Commentaries on the debate are found in LE CANADIEN, 16, 19 September 1842; LA MINERVE, 16, 26 September 1842; and MONTREAL TRANSCRIPT, 17, 29 September 1842. The accounts in LE CANADIEN, 30 September 1842, L'AURORE, 26 September 1842, and LA MINERVE, 23 September 1842, give only Louis-Hippolyte LaFontaine's speech and no others.

There appears to have been some co-operation between reporters during this exceptionally long and animated debate, especially for those members who spoke late or in the evening. Throughout the reports of this day's speeches in the various papers, BRITISH COLONIST, 21 September 1842, KINGSTON CHRONICLE, 17 September 1842, WESTERN HERALD, 29 September 1842, copied from TORONTO HERALD, and ST. CATHARINES JOURNAL, 22 September 1842, certain passages are almost identical, as if under the pressure of an enormously long job the reporters occasionally pooled resources or compared notes. It is unlikely that they used any one central source: the reports in general are too different from one another, particularly in the earlier part of the day.

8. WESTERN HERALD, 29 September 1842.

9. BRITISH COLONIST, 21 September 1842.

10. IBID.

11. ST. CATHARINES JOURNAL, 22 September 1842.

12. BRITISH COLONIST, 21 September 1842.

13. ST. CATHARINES JOURNAL, 22 September 1842.

14. KINGSTON CHRONICLE, 17 September 1842.

15. WESTERN HERALD, 29 September 1842.

16. ST. CATHARINES JOURNAL, 22 September 1842.

17. WESTERN HERALD, 29 September 1842.

18. ST. CATHARINES JOURNAL, 22 September 1842.

19. WESTERN HERALD, 29 September 1842.

20. MONTREAL GAZETTE, 17 September 1842.

21. WESTERN HERALD, 29 September 1842.

22. ST. CATHARINES JOURNAL, 22 September 1842.

23. MONTREAL GAZETTE, 17 September 1842.
24. WESTERN HERALD, 29 September 1842.
25. ST. CATHARINES JOURNAL, 22 September 1842.
26. MONTREAL GAZETTE, 17 September 1842.
27. WESTERN HERALD, 29 September 1842.
28. ST. CATHARINES JOURNAL, 22 September 1842.
29. WESTERN HERALD, 29 September 1842.
30. LE CANADIEN, 30 September 1842.
31. IBID.
32. BRITISH COLONIST, 21 September 1842
33. LE CANADIEN, 30 September 1842.
34. IBID.
35. IBID.
36. KINGSTON CHRONICLE, 17 September 1842.
37. WESTERN HERALD, 29 September 1842.
38. KINGSTON CHRONICLE, 17 September 1842.
39. ST. CATHARINES JOURNAL, 22 September 1842
40. WESTERN HERALD, 29 September 1842.
41. KINGSTON CHRONICLE, 17 September 1842.
42. BRITISH COLONIST, 21 September 1842.
43. WESTERN HERALD, 29 September 1842.
44. KINGSTON CHRONICLE, 17 September 1842.
45. WESTERN HERALD, 29 September 1842.
46. IBID.
47. ST. CATHARINES JOURNAL, 22 September 1842.
48. WESTERN HERALD, 29 September 1842.
49. MONTREAL GAZETTE, 19 September 1842.
50. KINGSTON CHRONICLE, 17 September 1842.
51. MONTREAL TRANSCRIPT, 9 December 1843.
52. KINGSTON CHRONICLE, 17 September 1842.
53. WESTERN HERALD, 29 September 1842.
54. KINGSTON CHRONICLE, 17 September 1842.
55. IBID.
56. IBID.
57. WESTERN HERALD, 29 September 1842.
58. LE CANADIEN, 30 September 1842.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. KINGSTON CHRONICLE, 17 September 1842.
64. BRITISH COLONIST, 21 September 1842.
65. KINGSTON CHRONICLE, 17 September 1842.
66. WESTERN HERALD, 29 September 1842.
67. KINGSTON CHRONICLE, 17 September 1842.
68. IBID.
69. IBID.
70. BRITISH COLONIST, 21 September 1842.
71. KINGSTON CHRONICLE, 17 September 1842.
72. BRITISH COLONIST, 21 September 1842.
73. KINGSTON CHRONICLE, 17 September 1842.
74. BRITISH COLONIST, 21 September 1842.
75. IBID.
76. IBID.
77. KINGSTON CHRONICLE, 17 September 1842.
78. BRITISH COLONIST, 21 September 1842.
79. KINGSTON CHRONICLE, 17 September 1842.
80. BRITISH COLONIST, 21 September 1842.
81. KINGSTON CHRONICLE, 17 September 1842.
82. BRITISH COLONIST, 21 September 1842.
83. KINGSTON CHRONICLE, 17 September 1842.
84. BRITISH COLONIST, 21 September 1842.
85. KINGSTON CHRONICLE, 17 September 1842.
86. BRITISH COLONIST, 21 September 1842.
87. KINGSTON CHRONICLE, 17 September 1842.
88. WESTERN HERALD, 29 September 1842.
89. MONTREAL GAZETTE, 19 September 1842.
90. WESTERN HERALD, 29 September 1842.
91. MONTREAL GAZETTE, 19 September 1842.
92. WESTERN HERALD, 29 September 1842.
93. IBID.
94. IBID.
95. KINGSTON CHRONICLE, 17 September 1842.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. BRITISH COLONIST, 21 September 1842.
101. KINGSTON CHRONICLE, 17 September 1842.
102. BRITISH COLONIST, 21 September 1842.
103. KINGSTON CHRONICLE, 17 September 1842.

104. ST. CATHARINES JOURNAL, 22 September 1842
105. MONTREAL GAZETTE, 19 September 1842.
106. ST. CATHARINES JOURNAL, 22 September 1842.
107. L'AURORE, 22 September 1842.
108. ST. CATHARINES JOURNAL, 22 September 1842.
109. L'AURORE, 22 September 1842. See also ST. CATHARINES JOURNAL, 22 September 1842.
110. ST. CATHARINES JOURNAL, 22 September 1842. See also L'AURORE, 22 September 1842.
111. L'AURORE, 22 September 1842.
112. IBID.
113. MONTREAL TRANSCRIPT, 20 September 1842. See also L'AURORE, 22 September 1842. The MONTREAL GAZETTE, 19 September 1842, reported that this petition was introduced on 15 September 1842.

Wednesday, 14 September 1842.

(10)

5 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table : —

By the Honourable Mr. Neilson, the Petition of *William Phillips*, and other landed proprietors of the District of *Nicolet*.

By Mr. Thorburn, the Petition of *Henry Smith*, Warden and principal Superintendent of the Provincial Penitentiary.

By Mr. Walker, the Petition of *Nicholas Sparks*, of *Bytown*.

By Mr. Sherwood, the Petition of *P. L. Fraser*, and others, free-holders of the *Ottawa* District.

By Mr. Price, the Petition of the President, Directors, and Company, of the Bank of *Upper Canada*.

Pursuant to the order of the day, the following Petitions were read : —

Of the Minister, Elders, and Trustees, of *St. Andrew's Church*, of *Quebec*, praying an aid for a School.

Of divers Inhabitants of the Township of *Wilmot*, praying not to be separated from the *Wellington* District.

Of *Franklin White*, and others, Inhabitants of *Markham*, and other places, praying for a survey of a certain line of road through *Scarborough* and *Markham*.

Of the Municipal Council of the District of *St. Hyacinthe*, praying that certain amendments be made to the Ordinance establishing Municipal Councils in *Lower Canada*.

Of *J. Lefebvre de Bellefeuille*, and others, of the Parish of *St. Eustache*, praying an aid for re-building the Church and Convent destroyed during the late Rebellion.

Of divers Proprietors and Inhabitants of the County of *Chambly*, praying that the privileges of the Mutual Insurance Act of *Canada East* be extended to them.

Of *Charles Miller*, of *Saint Armand*, praying an indemnity for losses sustained during the late Rebellion.

Of *George S. Boulton*, of *Cobourg*, praying for the extension of the time for re-payment of a loan from the Provincial funds.

Of *Malcom McGregor*, and others, of *Peterborough*, praying that the President of the Board of Works be authorized to liquidate certain debts contracted by the Commissioners appointed to superintend the works on the Inland Waters of the *Newcastle* District.

Of *Robert C. Wilkins*, and others, of the Township of *Ameliasburgh*, in the *Prince Edward* District, praying for a Legislative enactment confirming a survey made by Mr. *Wilmot*.

Of the Municipal Council of the District of *Sherbrooke*, praying that the Ordinances establishing District Councils in *Lower Canada*, be amended.

St. Andrew's Church, Quebec.

Inhabitants of Wilmot.

Inhabitants of Markham.

Mun. Council of St. Hyacinthe.

Inhabitants of St. Eustache.

Inhabitants of Chambly.

C. Miller.

G.S. Boulton.

Inhabitants of Peterborough.

Inhabitants of Ameliasburgh.

Sherbrooke Municipal Council.

DEBATES OF LEGISLATIVE ASSEMBLY

Municipal Councillors of Home District.

Markham Petition referred.

Niagara Petition referred.

Petition of G. S. Boulton, referred.

Boundary Line Commissioners' Bill.

Ottawa and St. Lawrence navigation.

Salt and Fishing tackle, duty Bill.

York Election.

Of certain Municipal Councillors of the *Home* District, praying that any application to remove a portion of the Township of *West Gwillimbury* out of the proposed new District of *Simcoe*, may be rejected.

Resolved — That the Petition of *Franklin White*, and others, Inhabitants of *Markham*, and other places, be referred to a Select Committee composed of Messieurs *Small*, *Williams*, *Price*, and *Duggan*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Resolved — That the Petition of *George Adams*, and others, of the District of *Niagara*, presented to the House on the eight instant, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Merritt*, Mr. *Holmes*, Mr. *L. M. Viger*, Mr. *Thompson*, and Mr. *Leslie*, do compose the said Committee.

Resolved — That the Petition of *George S. Boulton*, of *Cobourg*, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Boswell*, Mr. *Williams*, Sir *Allan N. MacNab*, Mr. *Merritt*, and Mr. *Aylwin*, do compose the said Committee.

On motion of Mr. *Merritt*, seconded by Mr. *Thorburn*,

Resolved — That this House will, on Monday next, resolve itself into a Committee of the whole House, to consider the expediency of continuing and amending an Act passed by the Legislature of the late Province of *Upper Canada*, in the first year of Her Majesty's Reign, intituled, "An Act to authorize the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province."

Resolved — That a Special Committee be appointed to examine and ascertain the most feasible means of removing obstructions in the navigation of the *Ottawa* and River *St. Lawrence*, and at the same time to extend their enquiries to all other communications of transport within the Province, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Crane*, Mr. *Papineau*, Mr. *Merritt*, Mr. *Johnston*, the Honourable Mr. *Baldwin*, Mr. *D. McDonald*, and Mr. *Simpson*, do compose the said Committee.

On motion of Mr. *Hamilton*, seconded by Mr. *Aylwin*,

Resolved — That this House will, on Monday next, resolve itself into a Committee of the whole House, to consider the expediency of repealing certain parts of an Act of the last Session, imposing Duties on Salt, Nets, and other fishing tackle.

On motion of Mr. *Henry Smith*, seconded by Mr. *Roblin*,

Resolved — That the Select Committee appointed to try the merits of the Petitions of divers electors of the second Riding of the County of *York*, and of *Connell James Baldwin*, Esquire, complaining of the

(11)

undue Election and return of *George Duggan*, Esquire, the sitting Member for the said second Riding of the County of *York* having been reduced to less than nine members, for three successive days, be dissolved.

On motion of Mr. *Baldwin*, seconded by Mr. *Kimber*,

Resolved — That the Petitions of *Connell James Baldwin*, Esquire, and others, complaining of the undue Election and return of *George Duggan*, Esquire, the sitting Member for the second Riding of the County of *York*, be taken into consideration to-morrow, at three o'clock,

p.m., the Select Committee appointed to try the said Petition, having been reduced to a less number than nine, and having continued so during three sitting days of the present Session.

On motion of the Honourable Mr. Attorney General *Draper*, seconded by Mr. *Simpson*,

Address, Congratulation.

Resolved — That an humble Address be presented to Her Majesty, offering to Her Majesty the cordial congratulations of this House, on the birth of the Prince of Wales, and that a similar Address be presented to His Royal Highness, Prince *Albert*, and that a Special Committee of three Members be named for the purpose of preparing the said Address.

Ordered — That the Honourable Mr. Attorney General *Draper*, Mr. *Lafontaine*, and the Honourable Mr. *Moffatt*, do compose the said Committee.

Resolved — That an humble Address be presented to Her Majesty, to declare the heartfelt gratitude of Her Majesty's faithful Commons of this Province, that it has pleased Divine Providence to shield their beloved Sovereign from the treasonable attempt of a reckless and wicked assassin; and expressing their earnest prayer that the same Almighty Power will continue to watch over, and long to preserve a life so justly dear to all classes of Her Majesty's subjects; — and that the Committee to which was referred the last resolution, do prepare the said Address.

Answer to Speech.

The order of the day for the House in Committee on the draught of a proposed Address to His Excellency, the Governor-General, in answer to His Excellency's Speech at the opening of the Session, and on the proposed amendment to the said draught, being read,¹

Mr. Hincks rose and moved that the subject under consideration should be deferred until Friday next, and trusted that the same courtesy would be extended to him as that extended to his Honourable colleague, upon a former occasion.²

Mr. Johnston said, that an arrangement had been made, as he understood, and he supposed this delay was for the purpose of giving the parties time to communicate on the subject. He did not like this underhand work, and would oppose it — the present was a humbug system; but sooner than vote for such a Ministry as was yesterday proposed, he would support the present. He had a shadow of confidence in Mr. Attorney General *Draper*, but not in either of the others. He trusted they would go on and try the question, which should be settled immediately.³

Dr. Dunlop also opposed it, he was convinced there was something in it, which independent men, like himself, could not consistently vote for. Every man in the House had, yesterday, made up his mind on the subject, and now we are asked for delay, as though we had nothing else to do. Brought here many of us from a distance of two hundred and fifty miles, while the parties are engaged in a dalliance and agreement between themselves; for his part, rather than vote for a piebald Ministry, he would vote for the support of the existing one, not from friendship to them, but they were the best of the batch, and he wished to proceed to testing the question.⁴

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Ordered — That the said order of the day be postponed until Friday next.

Agricultural products.

The order of the day for the House in Committee to take into consideration the expediency of imposing a Duty on the Agricultural products of the neighbouring States, when imported into this Province, being read,

Ordered — That the said order of the day be postponed until Monday next.

Then, on motion of Mr. *Duggan*, seconded by Mr. *Barthe*,
The House adjourned.

Appendix, 14 September 1842.

((Overruled Motion Proposing That Baldwin Announce His Patronage Policy.))

Mr. Johnston moved, that inasmuch as Mr. Baldwin was to be the Premier, he (Mr. B.) should declare his intentions as to the appointment to office of his party, if he could see "how the cat was jumping over the fence," they were rushing from one extreme to another.⁵

The Honourable Member was here interrupted by the Speaker ((**Mr. Cuvillier**)), who informed him that his motion was *out of order*.⁶

He ((**Mr. Johnston**)) bowed in submission, and took his seat.⁷

Footnotes — 14 September 1842.

1. The debate on this matter was reported by : MONTREAL GAZETTE, 17 September 1842 ; BRITISH COLONIST, 21 September 1842 ; WESTERN HERALD, 29 September 1842 ; IBID., 6 October 1842, edited from TORONTO HERALD ; LA MINERVE, 14 September 1842 ; and EXAMINER, 21 September 1842. The MONTREAL GAZETTE, 17 September 1842, described the advent of the debate in the following vivid terms : "After listening to all the every day and commonplace matters, crowded and squeezed in the most objectionable manner, the first order of the day was read — the eyes of all with whom rumour had not been busy, were turned from one to other of the opposing parties — but how changed was now the scene ! Some of the Members who, yesterday, were on the *qui vive* for the proceedings, were calmly chatting and joking together, with seeming listlessness, as though nothing of the slightest import was about to be brought up."

2. MONTREAL GAZETTE, 17 September 1842, which added : "Not a voice from the Opposition side of the House was heard against this motion ; a few of the Members, who, confessedly, are of no party, objected to this in a strenuous manner."

3. MONTREAL GAZETTE, 17 September 1842.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

Thursday, 15 September 1842.¹

(11)

York contested
Election.

The hour appointed for taking into consideration the Petitions of *Connell James Baldwin*, Esquire, and others, complaining of the undue Election and return of *George Duggan*, Esquire, as a Member to represent the second Riding of the County of York, in this present Parliament, being come.

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petitions.

The Serjeant-at-Arms was directed by Mr. Speaker to go with the mace to the places adjacent and require the attendance of the Members on the business of the House;

And he went accordingly;

And being returned, the House was counted and, more than thirty Members being present,

Mr. Speaker called upon the Petitioners, their Counsel or Agents, to appear at the Bar.

John Ross, Esquire, appeared at the Bar as Counsel for the Petitioners.

Mr. Speaker called upon the sitting Member, his Counsel or Agent, to appear at the Bar.

The sitting Member appeared at the Bar in his own behalf.

Mr. Speaker then desired the Serjeant-at-Arms to lock the doors;

And the doors being locked accordingly, and the order of the day for taking the said Petitions into consideration, being read, the attestation of the Speaker was taken from off the Box, in which, agreeably to the Statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows :

I attest that this Box was, on the fifteenth day of September, 1842, made up in my presence, in the manner directed by an Act passed in the fourth year of the Reign of His late Majesty King *George* the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

Austin Cuvillier,
Speaker.

The Box was then opened, and the attestation of the Clerk was taken out of the Box, and read by him, as follows :

I attest that I did, on Thursday, the fifteenth day of September, 1842, in presence of the Speaker of this House, put into a Box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of Parchment, and rolled up as directed by an Act passed in the fourth year of the Reign of His late Majesty King *George* the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. Lindsay,
Clerk of Assembly.

DEBATES OF LEGISLATIVE ASSEMBLY

The names of all the Members were taken out of the Box, and put into three other Boxes.

The drawing of the names was then proceeded in, in the usual manner, and the following names were drawn, to which no objection was taken :

1. <i>Armstrong.</i>	13. <i>Henry Smith.</i>
2. <i>Morris.</i>	14. <i>Moffatt.</i>
3. <i>Merritt.</i>	15. <i>Draper.</i>
4. <i>Crane.</i>	16. <i>Cartwright.</i>
5. <i>Taschereau.</i>	17. <i>Child.</i>
6. <i>Noel.</i>	18. <i>Parke.</i>
7. <i>Dunlop.</i>	19. <i>Parent.</i>
8. Sir <i>Allan N. MacNab.</i>	20. <i>Price.</i>
9. <i>Steele.</i>	21. <i>Hamilton.</i>
10. <i>Roblin.</i>	22. <i>Burnet.</i>
11. <i>Cameron.</i>	23. <i>Baldwin.</i>
12. <i>Sherwood.</i>	

Twenty-one names were drawn and set aside, or excused, as follows : Seven against whom Petitions are now pending ;

Eleven serving on Election Committees ;

Three exempted, from age.

Twenty-seven names were also drawn of Members who were absent.

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Mr. *Boswell* was chosen Nominee for the Petitioners.

Mr. *Aylwin* was chosen Nominee for the sitting Member.

The parties being severally called upon for an exchange of Lists of Witnesses, agreed to the Lists produced during the last Session.

At a quarter to four o'clock, p. m. Mr. *Alfred Patrick*, Clerk to the Select Committee, retired with the parties, for the purpose of striking said Committee.

At four o'clock, p. m. the Clerk to the Select Committee delivered to the Clerk of the House a list containing the names of nine Members, unstruck, composing the Select Committee, which is as follows :

Names of the Members remaining on the List to try the merits of the Petitions of *Connell James Baldwin*, Esquire, and others, complaining of the undue Election and Return of *George Duggan*, Esquire, as a Member to represent the Second Riding of the County of York, in the present Parliament :

1. <i>Cameron.</i>	6. <i>Henry Smith.</i>
2. <i>Merritt.</i>	7. <i>Child.</i>
3. <i>Crane.</i>	8. <i>Parke.</i>
4. <i>Taschereau.</i>	9. <i>Baldwin.</i>
5. <i>Roblin.</i>	

Nominee for the Petitioners, Mr. *Boswell*.

Nominee for the sitting Member, Mr. *Aylwin*.

Alfred Patrick,
Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of Mr. *Boswell*, seconded by Mr. *Aylwin*,

Ordered — That the Select Committee, appointed to try the merits of the Petitions of *Connell James Baldwin*, Esquire, and others, complaining of the undue election and return of *George Duggan*, Esquire, as a Member to represent the Second Riding of the County of York, in the present Parliament, do meet in a Committee Room of this House, to-morrow, at ten o'clock, a. m.

The following Petitions were severally brought up, and laid on the table : —

By Mr. *Morris*, the Petition of the President, Directors and Company, of the Commercial Bank of the *Midland* District.²

By Mr. *Delisle*, the Petition of *R. B. McGinnis*, and others, of the County of *Huntingdon*; the Petition of *E. W. Douglas*, President of the Agricultural Society for the County of *Huntingdon*, and others; and the Petition of *Traver Van Vliet*, and *John Odell*, of *Lacolle*.

By the Honourable Mr. Attorney General *Draper*, the Petition of divers Freeholders and Inhabitants of the township of *Lochiel*, and other places.

By Mr. *McLean*, the Petition of *George Macdonell*, and others, Inhabitants of the *Eastern* and *Ottawa* Districts.

By Mr. *Thompson*, the Petition of the President, Directors and Company, of the *Gore* Bank.

By Mr. *Williams*, the Petition of *T. Ward*, and others, of the town of *Port Hope*, in the County of *Durham*, in the *Newcastle* District, and the Petition of *John Knowlson*, and others, of the townships of *Cavan* and *Manvers*.

By Mr. *Sherwood*, the Petition of *Paul Glassford*, and others, Inhabitants of the town of *Brockville*; and the Petition of *Silvester Skinner*, Inhabitant of the town of *Brockville*.

By the Honourable Mr. *Hincks*, the Petition of *M. M. Crawford*, and others, of *Bayham*; the Petition of the District Council of the *London* District; the Petition of *Leonard Wilcox*, of *Toronto*; and the Petition of *L. L. Hutchinson*, and others, of *Bayham*.

By Mr. *Powell*, the Petition of *James Wilson*, and others, of the township of *Bayham*; and the Petition of the Municipal Council of the District of *Talbot*.

By Captain *Steele*, the Petition of *John Garbutt*, and others, Inhabitants of the County of *Simcoe*.³

By Mr. *Kimber*, the Petition of the Reverend *T. Cooke*, *S. B. Hart*, and others, Inhabitants of the District of *Three Rivers*.⁴

By the Honourable Mr. *Baldwin*, the Petition of *Joseph Bradshaw*, and others, School Commissioners of the township of *Madoc*.

By Mr. *Henry Smith*, the Petition of *Robert Barclay*, and others, of *Kingston*, stone masons.

By Mr. *Aylwin*, the Petition of *Mehittable Shaw*, of *La Prairie de la Magdeleine*, widow of the late *T. H. Woolwich*.

Pursuant to the order of the day, the following Petitions were read: —

Of *John Bonner* and *William Petry*, of *Quebec*, praying that justice may be done them in regard of their purchase of certain Crown Lands.

Of *Richard Brown*, and others, of the County of *Haldimand*, praying for the erection of the County of *Haldimand* into a separate District.

Of *E. Cox*, and others, of the township of *Kingsey*, and other places, praying that the Municipal government and District Court be removed to a more eligible situation.

Of the Municipal Council of the *Niagara* District, praying for amendments to the Municipal Council and District School Acts.

Of the Municipal Council of the *Niagara* District, praying for amendments to the present system of assessment.

Of the Municipal Council of the *Niagara* District, praying that a duty be imposed upon American products, introduced into the Province; and that the Imperial Parliament be addressed to pass a law admitting the products of this Province into *Great Britain*, free of duty.

Of the Municipal Council of the *Niagara* District, praying for the completion of the main road from *Queenston* to *Grimsby*.

Of the Municipal Council of the District of *Niagara*, praying that a tax be laid on Roulette tables, and all places of resort for the purpose of gambling.

J. Bonner, and
W. Petry.

Inhabitants of
Haldimand.

Inhabitants of
Kingsey.

Municipal Coun-
cil of Niagara
District.

Macpherson,
Crane, et al.

Of the Municipal Council of the *Niagara* District, praying for an alteration in the site of the District town.⁵

Of Messieurs *Macpherson, Crane*, and Company, and others, praying for the enlargement of the *Lachine* Canal, and other improvements thereon.

On motion of Mr. *Simpson*, seconded by Mr. *Crane*,

Ordered — That the Petition of Messieurs *Macpherson, Crane*, and Company, and others, be referred to the Special Committee, appointed to examine and ascertain the most feasible means of removing obstructions in the navigation of the *Ottawa* and river *Saint Lawrence*, and at the same time to extend their enquiries to all other communications of transport within the Province.

Mr. Forbes⁶ moved, to receive the petition of the inhabitants of the Parish of Saint Eustache for aid to rebuild the Church destroyed during the late rebellion.⁷

Sir Allan MacNab although he had no objection to the petition⁸, did not consider it right that any petitions for a grant of money should be received by that House, they were acting upon the principle of Responsible Government, and such petitions should be presented by the Ministry.⁹

Mr. Johnston concurred with the last mentioned Member, and stated he was refused a similar reference to Committee, of a petition involving a grant of money¹⁰, last session¹¹.

Mr. Speaker ((Cuvillier)) said that no petition for a grant of money could be received, without the consent of the advisers of the crown.¹²

Dr. Dunlop thought the people of St. Eustache had a right to come before the Representatives of the people, for a redress of their grievances.¹³ If the right of petition was not kept completely free he considered it a gross infringement of the privileges of the British constitution ; it was a very hard case if he could not come forward and state his grievances, with a hope of being relieved, without getting the consent of the gentlemen on the Treasury Benches. It was absurd to object to such a petition.¹⁴

Mr. Neilson said, there were several petitions for aids, coming before the house this Session¹⁵. ((He)) read from the Union Act, shewing that it was practicable for them to refer the petition to a Committee for investigation, but they could not vote the money away¹⁶, without the consent of the head of the government, as that was the custom of the Imperial Parliament.¹⁷

Mr. Johnston was opposed to any grant of money being made by the Government ; they granted £1500 to make a Military Road over which a soldier never walked.¹⁸

(12)

Inhabitants of
St. Eustache.

Resolved — That the Petition of *J. Lefebvre de Bellefeuille*, and others, of the Parish of *St. Eustache*, presented to the House on the thirteenth instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered — That Mr. *Forbes*, Mr. *Papineau*, Mr. *Simpson*, Mr. *Johnston*, and Mr. *Leslie*, do compose the said Committee.

Mr. Yule moved for a Committee to inquire into the petition from the County of Chambly, praying for the privileges of Eastern Canada to be extended towards them.¹⁹

(12)

Inhabitants of
Chambly.

Resolved — That the Petition of divers Proprietors and Inhabitants of the County of *Chambly*, presented to the House on the twelfth

(13)

instant be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed ; with power to send for persons, papers, and records.

Ordered — That Mr. *Yule*, Mr. *L. M. Viger*, Mr. *Barthe*, the Honourable Mr. *Viger*, and Mr. *Simpson*, do compose the said Committee.

Mr. Roblin²⁰ moved, that a Committee consisting of Messrs. Cartwright and Crane, be appointed, to whom the petition of the honorable Robert C. Wilkins should be referred.²¹

Mr. Johnston opposed the motion on principle ; it was a bad system to allow any member to name a committee ; they might be disinterested men, but it cast a shade of suspicion on the affair.²²

Mr. Thorburn said, that the honorable gentlemen (sic) should know the rules of the house before he spoke ; there was a rule of the house made last August which allowed members to name a Committee.²³

Mr. Johnston said, the allwise member who just sat down, ought to know that it was on principle, not rules he was speaking, of ((that)) he need not try to catechise him, people living in glass houses ought not to throw stones.²⁴

(13)

Inhabitants of Ameliasburgh.

Resolved — That the Petition of *Robert C. Wilkins*, and others, of the Township of *Ameliasburgh*, in the *Prince Edward* District, presented to the House on the twelfth instant, be referred to a Select Committee, composed of Messieurs *Roblin*, *Cartwright*, and *McLean*, to examine the contents thereof, and to report thereon with all convenient speed ; with power to send for persons, papers, and records.

Bytown Lands.

Mr. Johnston moved, seconded by Mr. *D. McDonald*, that an humble address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House a copy of all correspondence from the Colonial Office, on the Ordnance Department in *Canada*, or *England*, together with the replies thereto ; and also a copy of any Report made by Commissioners, touching the tenure of the lots of land in *Bytown*, purchased by the late *Lord Dalhousie*, on behalf of the Government.²⁵

Mr. Harrison requested the Honourable Member to delay his motion for a time, as the Government were now in correspondence relative to the subject.²⁶

Mr. Johnston declined.²⁷

(13)

Niagara Contested Election.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Mr. Hale, Chairman of the Select Committee appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, Electors of the Town of *Niagara*, complaining of the undue election and return of *Edward Clarke Campbell*, Esquire, sitting Member for the said Town of *Niagara*, reported to the House that the Committee met this morning, at ten o'clock, and were obliged to adjourn, without proceeding to business, in consequence of the absence of *Mr. Quesnel*, a Member of the said Committee, without leave of the House.

Mr. Duggan²⁸ moved that a Special Committee be appointed, to consist of nine Members, to take into consideration the monetary affairs of the Province²⁹, and particularly to enquire into the commercial distress at present existing.³⁰ At the same time, he stated that he did not concur with the echo of His Excellency's Speech, as to the prosperity and flourishing condition of the country — there was a distress affecting all classes — some attributed it ((to)) the Currency Bill, and it was time some steps should be taken to investigate the subject.³¹

Mr. Moffatt seconded the motion.³²

Dr. Dunlop endeavoured to account for this ((distress)), by stating some facts in political economy, and condemned the practice of attacking Bankers on all occasions of scarcity.³³

((He)) thought the measure quite uncalled for at the present juncture ; he hoped the measure would be postponed.³¹

Sir Allan MacNab hoped they would not refuse the honorable gentleman his motion.³²

Mr. Hincks denied the fact of there being great distress in the Province, as also the ill-working of the Currency Bill.³³

or

Mr. Hincks said he would not offer any opposition to the motion, but he could not coincide with the honorable gentleman as to the distress that existed. It proceeded from other causes besides those alluded to. The effect of the Timber duty was ommitted (sic) being mentioned.³⁴

Mr. Johnston rose and remarked, that he had no doubt the last mentioned Member felt no distress, having a thousand a-year for his salary, but hoped he would be paid in British silver ; the Currency Bill was introduced by him.³⁵ If he looked about Kingston, he would see distress enough.³⁶

(13)

Monetary affairs.
Commercial
distress.

Resolved — That a Special Committee be appointed, to take into consideration the monetary affairs of the Province, and particularly to enquire into the commercial distress now so generally prevalent — to report thereon with all convenient speed ; with power to send for persons, papers, and records.

Ordered — That Mr. Duggan, the Honourable Mr. Moffatt, Mr. Leslie, Mr. Dunlop, the Honourable Mr. Hincks, Mr. Johnston, Mr. L. M. Viger, Mr. DeWitt, and Mr. Papineau, do compose the said Committee.

Fines appro-
priation Bill.

The order of the day for the second reading of the Bill to regulate the appropriation of Fines, Penalties and Forfeitures, being read :

Ordered — That the said order of the day be postponed until Monday next.

Judge's Inde-
pendence Bill.

A Bill for better securing the independence and uprightness of the Judges, was, according to order, read a second time.

Resolved — That the said Bill be referred to a Special Committee to report thereon, with all convenient speed ; with power to send for persons, papers, and records.

Ordered — That Mr. Aylwin, Mr. Lafontaine, Sir Allan N. MacNab, the Honourable Mr. Baldwin, and the Honourable Mr. Viger do compose the said Committee.

Then on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Hincks,

The House adjourned.

Appendix, 15 September 1842.

((Notice of Proposed Motions.))

Mr. Moffatt⁴⁰ gave notice of his intention to apply for a Committee to revise the law respecting the Inspection of Pearl Ash⁴¹.

Mr. Moffatt gave notice of his intention ... to bring in a Bill for the establishment of a Court of Impeachment⁴².

Mr. Moffatt gave notice ... for an Address to the Governor General for a copy of the letter addressed by His Excellency to L.H. Lafontaine, Esq., respecting certain changes in the administration⁴³, dated the 13th instant⁴⁴.

Mr. Simpson⁴⁵ gave notice that he would move for leave to bring in a bill to regulate the practice of sellers of Real Estate⁴⁶, on Friday⁴⁷.

Mr. Hincks gave notice of a motion, for leave to bring in a Bill to annex the District of London to that of Brock.⁴⁸

Mr. Hincks gave notice of a motion, for leave to bring in a Bill ... to annex Westville to Norfolk.⁴⁹

((Withdrawn Motion Re : Post Office Commission Report.))⁵⁰

Mr. Forbes moved for an Address to His Excellency the Governor, for a copy of the Post Office Commision (sic) Report.⁵¹

Mr. Neilson ((suggested that the motion be withdrawn.))⁵²

Mr. Forbes ... withdrew his motion.⁵³

Footnotes — 15 September 1842.

1. "The Speaker took the chair at 3 o'clock. Private business occupied the house up to 4 o'clock." WESTERN HERALD, 6 October 1842. "Nothing but the routine business, not sufficiently matured to be of much importance, is now in progress. The channel of communication with the Head of the Government not having, as yet, been opened by the reply to his Address, there is a stagnation in the more important measures, which, it is hoped, the *expose* tomorrow will remove, and a degree of impetus be lent to the proceedings of the House", commented the MONTREAL GAZETTE, 19 September 1842.

2. According to the MONTREAL GAZETTE, 19 September 1842, the purpose of this petition was to extend the Bank's privileges.

3. MONTREAL GAZETTE, 19 September 1842. This petition was to prevent the annexation of Westville to Norfolk.

4. The MONTREAL GAZETTE, 19 September 1842, reports that "Mr. Taschereau presented a petition, signed by a large number of persons, praying for an amendment of the Judicature Bill, Rural Police, &c." The paper may have been confusing this presentation with Dr. Kimber's.

5. According to the MONTREAL GAZETTE, 19 September 1842, this petition was presented by Mr. Thorburn.

6. This debate was reported by MONTREAL GAZETTE, 19 September 1842; BRITISH COLONIST, 21 September 1842; and by WESTERN HERALD, 6 October 1842, and EXAMINER, 21 September 1842, in identical accounts.

7. WESTERN HERALD, 6 October 1842.

8. MONTREAL GAZETTE, 19 September 1842.

9. WESTERN HERALD, 6 October 1842.

10. MONTREAL GAZETTE, 19 September 1842.

11. WESTERN HERALD, 6 October 1842.

12. IBID.

13. MONTREAL GAZETTE, 19 September 1842.

14. WESTERN HERALD, 6 October 1842.

15. IBID.

16. MONTREAL GAZETTE, 19 September 1842.

17. WESTERN HERALD, 6 October 1842.

18. IBID.

19. MONTREAL TRANSCRIPT, 20 September 1842.

20. The debate on this was reported by WESTERN HERALD, 6 October 1842, and EXAMINER, 21 September 1842, in identical accounts.

21. WESTERN HERALD, 6 October 1842.

22. IBID.

23. IBID.

24. IBID.

25. The following exchange was reported by MONTREAL GAZETTE, 19 September 1842; and by WESTERN HERALD, 6 October 1842, and EXAMINER, 21 September 1842, in identical accounts.

26. MONTREAL GAZETTE, 19 September 1842.

27. IBID.

28. The comments on Duggan's motion were reported in MONTREAL GAZETTE, 19 September 1842; MONTREAL TRANSCRIPT, 20 September 1842; and EXAMINER, 21 September 1842, and WESTERN HERALD, 6 October 1842, in identical accounts.

29. MONTREAL GAZETTE, 19 September 1842.

30. MONTREAL TRANSCRIPT, 20 September 1842.

31. MONTREAL GAZETTE, 19 September 1842.

32. MONTREAL TRANSCRIPT, 20 September 1842

33. MONTREAL GAZETTE, 19 September 1842.

34. WESTERN HERALD, 6 October 1842.

35. IBID.

36. MONTREAL GAZETTE, 19 September 1842.

37. WESTERN HERALD, 6 October 1842.

38. MONTREAL GAZETTE, 19 September 1842.

39. WESTERN HERALD, 6 October 1842.

40. This was reported by MONTREAL GAZETTE, 19 September 1842; MONTREAL TRANSCRIPT, 20 September 1842; LE CANADIEN, 19 September 1842; and by WESTERN HERALD, 6 October 1842, and EXAMINER, 21 September 1842, in identical accounts.

41. MONTREAL TRANSCRIPT, 20 September 1842.

42. IBID.

43. IBID.
44. WESTERN HERALD, 6 October 1842.
45. This was reported by MONTREAL TRANSCRIPT, 20 September 1842; and by WESTERN HERALD, 6 October 1842, and EXAMINER, 21 September 1842, in identical reports.
46. MONTREAL TRANSCRIPT, 20 September 1842.
47. WESTERN HERALD, 6 October 1842.
48. MONTREAL GAZETTE, 19 September 1842.
49. IBID.
50. This was reported by WESTERN HERALD, 6 October 1842, and EXAMINER, 21 September 1842, in identical accounts.
51. WESTERN HERALD, 6 October 1842.
52. IBID.
53. IBID.

Friday, 16 September 1842.¹

16 Petitions
brot. up.

(13)

The following Petitions were severally brought up, and laid on the table : —

By the Honourable Mr. Neilson, the Petition of the Reverend the Religious Ladies of the Ursuline Convent of Quebec; and the Petition of Augustin Blackburn, and others, Inhabitants of the Parish of St. Etienne de la Malbaie, County of Saguenay.

By Mr. Cameron, the Petition of Thomas McGoe, and others, interested in the Lumber Trade.

By Mr. Moore, the Petition of C. M. Hyndman, of Sherbrooke.

By Mr. Thorburn, the Petition of Walter Wilson, and others, Inhabitants of the town of Niagara.

By the Honourable Mr. Harrison, the Petition of the District Council of the Midland District, relating to the powers and duties of District Councils, &c.; the Petition of the Municipal Council of the Midland District relating to roads between Lake Ontario and the Ottawa; the Petition of the Municipal Council of the Midland District, relating to macadamized roads; and the Petition of the Mayor and Common Council of Kingston.

By Mr. Harmannus Smith, the Petition of Stephen Jones, and others, of the township of Saltfleet.

By Mr. L. M. Viger, the Petition of H. C. Chandler, and others, Inhabitants of the Municipal District of Nicolet.

By Mr. Parent, the Petition of Mrs. M. G. P. Painchaud, and other Ladies of Quebec, for an Act of incorporation; the Petition of Mrs. M. G. P. Painchaud, and other Ladies, of the City of Quebec, for an aid; the Petition of C. P. Huot, of the Parish of St. Paul's Bay; the Petition of C. P. Huot, and J. M. Potvin, of the Parish of La Baie St. Paul, District of Quebec; and the Petition of the Honourable M. P. De Sales Laterriere, and others, Inhabitants of the County of Saguenay.

Pursuant to the order of the day the following Petitions were read :

Inhabitants of Nicolet.

Of William Phillips, and others, landed proprietors of the District of Nicolet, praying that the District town be placed in a most central part of the District.

Warden of Penitentiary.

Of Henry Smith, Warden and Principal Superintendent of the Provincial Penitentiary, praying for an equivalent in lieu of the use of convicts as servants, of which he has been deprived.

N. Sparks.

Of Nicholas Sparks, of Bytown, praying that the House may cause to be restored to him certain property of which he has been unjustly dispossessed by the Ordnance Department.

Freeholders of Ottawa.

Of P. L. Fraser, and others, freeholders of the Ottawa District, praying that they be allowed to redeem certain lands seized by the Sheriff for arrears of taxes.

Bank of Upper Canada.

Of the President, Directors and Company, of the Bank of Upper Canada, praying that they may be allowed to increase their capital stock.

Chas. Symmes,
Esq.

The Petition of *Charles Symmes*, Esquire, of *Aylmer*, one of the Candidates at the late Election for the County of *Ottawa*, complaining of the undue Election and Return of *D. B. Papineau*, Esquire, being read,

Mr. *Cameron* moved, seconded by Mr. *Forbes*, That the time for receiving the said Petition, be extended to the first of October next, in consideration of the prevailing opinion that the controverted Election Law of *Lower Canada* had expired.²

Mr. Cameron said that the petition was informal, inasmuch as there was but one signature to it instead of ten which the Act required, and also petitioner did not enter into the necessary securities. He therefore moved (sic) that the time for reading it be postponed till the 1st October next.³

A discussion of some length took place⁴.

(13)

The question being put upon the said motion, the House divided thereon, and the names being called for, they were taken down, as followeth.

(14)

YEAS.

Messieurs. *Armstrong, Aylwin, Barthe, Berthelot, Boswell, Boutillier, Burnet, Cameron, Child, Crane, Daly, Derbshire, DeWitt, Dunlop, Duggan, Durand, Forbes, Foster, Gilchrist, Hale, Hamilton, Harrison, Hincks, Hopkins, Kimber, Leslie, Sir Allan N. MacNab, D. McDonald, McLean, Merritt, Morris, Neilson, Noel, Parent, Powell, Price, Quesnel, Roblin, Henry Smith, Harmannus Smith, Sherwood, Steel, Tache, Taschereau, Thompson, Thorburn, Turcotte, Turgeon, D. B. Viger, L. M. Viger, Walker, Williams, and Woods.* (53.)

NAYS.

Messieurs. *Black, Cartwright, Delisle, Draper, Dunn, Dunscomb, Johnston, Jones, J. S. Macdonald, Moffatt, Moore, Parke, Simpson, Watts, and Yule.* (15.)

So it was carried in the affirmative, and resolved accordingly.

Mr. Walker⁵ moved, and **Mr. Leslie** seconded, that the petition of *Nicholas Sparks*, of *Bytown*, for remuneration for property taken by the Ordnance Department, be referred to a committee of five.⁶

(14)

N. Sparks.

Resolved — That the Petition of *Nicholas Sparks*, of *Bytown*, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That *Mr. Walker, Mr. Johnston, Mr. Papineau, Mr. Derbshire, and Mr. DeWitt*, do compose the said Committee.

On motion of the Honourable *Mr. Harrison*, seconded by the Honourable *Mr. Daly*,

4th Riding of
York, Writ.

Ordered — That *Mr. Speaker* do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the Election of one Member to serve in the present Provincial Parliament for the Fourth Riding of the County of *York*, in the room and place of *Louis Hypolite Lafontaine*, Esquire, who, since his Election, hath accepted the office of Her Majesty's Attorney General, for that part of the Province heretofore *Lower Canada*.⁷

Mr. Harrison rose and said after one or two observations, that His Excellency the Governor General having thought proper to take to the councils of the country the honourable member

for the fourth Riding of York, and the honourable member for Hastings, by appointing the Hon. Mr. Baldwin the member for Hastings, to the office of Her Majesty's Attorney General for the Province of Canada West, and the Hon. Mr. Lafontaine member for the fourth Riding of York, to the office of Her Majesty's Attorney General for the Province of Canada East.⁸

Sir Allan MacNab said that such occurrences had been witnessed during the last two or three days, that it was not strange that most important changes had taken place. The debate on the Speech from the throne was postponed from time to time, and he was sure that no honourable gentleman in that house could deny for a moment that if they had gone on with the reply to that Speech, they would have been left in a most pitiful minority⁹, of 15 or 20 at least. He thought the hon. gentleman (he did not know whether he was premier or not, since he had now to give way to the Attorney General, East) had a right to give full information to the house and the country, who is to constitute the new Cabinet.¹⁰

The Hon. **Mr. Harrison** said that before proceeding farther he would say, that that was not the time to answer the question of the honourable and gallant knight.¹¹ Those are now absent who are the fittest persons to give the necessary explanations. He was willing to give all possible information upon the subject, but most would agree with him that this was not the time.¹²

Sir Allan MacNab. — I say now is the time to answer; the country should know it.¹³ ((He)) said, if he should stand alone, and fight the battle, he would enquire, what provision was made for that officer. If the gentlemen don't do it, it will be because they are afraid. The country would very likely say, you have taken care of yourselves, but you have left him unprovided for and unprotected.¹⁴ Is a man to be walked out of office, after twenty years service, without an explanation? The honourable gentlemen are afraid to give the information; they keep back; they think that because they may have a majority they can crush and smother every inquiry that is to be made.¹⁵ We have a right to the information asked for, and if it is not given, what will the country say?¹⁶ Should not the constituents of Mr. Baldwin and Mr. Lafontaine know why these gentlemen obtained their appointments; but they (the ministers) have shrunk behind the shade of their Council chamber, and sent out their agents and emissaries to patch up this re-constructed cabinet.¹⁷

Mr. Johnston for his part did not know what they were going to be at; they swore in two ministers to-day; for all he knew they might swear in two more tomorrow. He had lost all confidence in them.¹⁸

Mr. Aylwin. — The question before the house was a very simple one¹⁹, one that ought not to be debated now.²⁰ His honourable friend, Mr. Lafontaine, it appeared, had accepted office, and the hon. gentleman, Mr. Harrison, had moved for the issue of a new Writ to have a member elected in his place.²¹ Who can object to a motion of this kind? The hon. member for Hamilton had raised objections and complained that the government had not given the necessary information, and had a right to know who their colleagues were²². He (Mr. Aylwin) considered that he had as much right to complain as any one in the house, having been told that for the punishment of his sins he might fall in perhaps for a silk gown.²³ The gentlemen certainly have a right to mention those in whom the government have reposed confidence, and he hoped that after all the difficulties, it will meet the approbation of all, and silence faction forever. He could say nothing of it, but hoped the country would have confidence in those appointed²⁴. He wished to impress one thing on their mind, and that was, that if there was no difficulty in putting out the first ministry of the United Province, it would be perfectly easy to put out the second, and the third, and the fourth²⁵, if they ceased to possess our confidence.²⁶

Mr. Merritt. — The honorable member for Kingston said, the time would come when the necessary explanations would be given; but he contended that when the changes took place, the country ought to know it. He hoped there would be sufficient independence in the house to insist upon informing the people as to who should have the administration of affairs. Now who could say that this house would offer its confidence till this was known; and it could only be known when the parties were known, and he hoped the earliest opportunity would be taken for offering this information.²⁷

Mr. Viger objected strongly to the course adopted by those wishing at this time to institute such an enquiry, and contended for justice to all parties, and objected to pensioning officers of the crown.²⁸

Sir Allan MacNab asked what right gentlemen had to assume that he was desirous of giving Mr. Ogden a pension? — He said when the communication was first made to this house, when the Governor General's letter was read, that communication gave us to understand that a pension should be given to him. The members of the late Cabinet had made a most disgraceful sacrifice, in order to keep office themselves they had thrown overboard an old and faithful servant of the crown, who was not even present to be any party to the transaction. He contended that all the electors in this country ought to know it, and he felt he would not be doing his duty unless he put the question and demanded an answer to it. He would push the question though the hon. gentlemen might have a majority. But he would put the question and demand an answer.²⁹

Mr. Hincks said, there appears to be a misunderstanding on the part of the hon. member for Hamilton. Mr. Harrison had no objection to give the necessary information at the proper time. — As regards the pension, the hon. and gallant Knight ought to know that the Governor had not the power to bestow the pension, and when it comes before the house he would be prepared to give his vote for it. Sir Allan asked whether there was any stipulation upon the point. The hon. gentleman appeared to think that the Attorney General had a right to hold office as long as he liked, but if he looked to Lord John Russell's despatch, he would see that public officers were liable to be dismissed when their services were not required for the public good.³⁰

Dr. Dunlop thought the explanation demanded right enough. Said the gallant Knight professed himself ready to fight us all, and he would have no objection that he should fight us all, but he thought it right to give the hon. member for Kingston, a fair opportunity for giving his explanation.³¹

Mr. Price, thought it wrong to occupy the time of the house now, as the subject would come up again, and thought his hon. friend who was now absent should be present. Hon. gentlemen might say what they liked about the retirement of Ogden, but he never could consent to his getting a pension.³²

Mr. Hale thinks it a proper time to put the question, and would ask whether the hon. Attorney General was dismissed *sponte sui*, or whether he was forced out of office.³³

Mr. Moffatt addressed the House to the same purpose as Sir Allan Macnab had previously done ... he thought ... ((the question should be put)) immediately.³⁴

Sir Allan MacNab said he wanted to know, and the country wanted to know what the ministers were about. He regretted much to see the Governor of this Province put forth such a document as this letter to Mr. Lafontaine³⁵, ((that)) he held in his hand.... What information could he get unless thro' the press? Not from his council, they were afraid to meet their constituents and had adopted this servile course.³⁶ The gentleman opposite, Mr. Harrison, knows that there is not such another rotten borough in Canada as Kingston, so he would have little chance of being returned.³⁷

The letter says, "He came to the conclusion to consent to the retirement of Attorney General Ogden."³⁸ A pretty way, indeed, to turn a man out of office.³⁹ He would ask who he had in the Councill (sic) to stand up for him. Did Att. General Draper do it? He would ask whether Att. General Ogden retires conditionally or not.⁴⁰ And again the "recommendation" he was about to receive. But he hoped the country would be informed of the nefarious conduct of the cabinet; he would lose no opportunity of holding them up. He trusted the reporters would do him justice in his observations.⁴¹

Mr. Aylwin considered the course of Sir Allan a wrong one. The undisputed prerogative of the crown is to choose its own Council, and they had no right to dispute the appointment. He was far from pledging himself to the new Cabinet, for he held himself as an independent member of the House, but if their measures were good he would give them his support, and if not so he will take his seat with the hon. member for Hamilton. The question has been put as to the indemnification of Mr. Ogden, and he doubted not but that the Government would make the demand that justice should be done to the hon. Att. General, and he must say that he is not at present prepared to give his vote. The hon. member for Oxford says he will give his vote for it, he rather thought that he (Mr. Aylwin,) would not. He ((Mr. Ogden)) had already received much of the public money, he had the means of knowing⁴², by returns which had been made to the house last session, ((that)) Mr. Ogden had received £12,000 from the country; that would purchase a great deal of law. He did not think his learned friends about him had among them all been able to scrape that much together with their

most strenuous efforts. M. Ogden made hay while the sun shone.⁴³ He should be sorry to say anything in his absence, but he thought that notwithstanding the characteristic spirit with which the hon. member for Hamilton had come forward to defend him, that the time when he took office and the terms shew that he has no right to indemnification. If they have, all others would have the same and we might soon have an enormous pension list saddled on the Country. He avowed the principle of Responsible government, and if a man accepts Office it must be upon the British principle — he desired the same state of things as in England, he regretted that the Salaries were already too large for the Province. He was compelled to say in opposition to the hon. member for Hamilton, that this was not the time to institute the enquiry he demanded. Two new appointments were just made, and other changes contemplated, and we have no right at present to inquire what they are. It was rather strange to hear him advocating the Government. We have been called "obstructives" and all sort (sic) of names, now it would be seen whether they would be so. If the present ministry followed the old one then he would be an "obstructive" again. He hoped the hon. member for Hamilton would withdraw his objection. Two constituencies were vacant, two members had to get a place and the trial must proceed. He hoped they would withdraw the motion, and test the Government by its merit. The moment it swerved from those measures of which he approved, he would withdraw his support.⁴⁴

Mr. Simpson said the conduct of His Excellency was most praiseworthy.⁴⁵ ((He)) hailed the present moment as a revolution, bloodless, glorious, and useful, as a new era in the history of this country, promising security to life and property, and good and beneficial Legislation conducted on principles accordant with the wishes of the people. Such a step was necessary to secure the affection and confidence of a devoted people, and he hoped that all distinctions would cease among us. He would erect a monument to those who had a hand in it, transmitting their names with honor and glory to posterity, and he could not help admiring the conduct of Attorney General Draper, who finding himself in the way of the adjustment, with the devotedness of a Curtius, had leaped into the gap, to save his country. He earnestly thanked the hon. member for the 4th Riding of York, the hon. member for Hastings, and those who met them. He avowed himself an independent member of the House, and he rejoiced⁴⁶, ((that)) they would have a new and permanent administration, perfectly united and able to carry out their measures.⁴⁷ He hailed it with the greatest pleasure. It has redeemed and saved the country.⁴⁸

Sir Allan MacNab had a high regard for the head of the Government, and it was in consequence of that that he took the present course. — He would like to know what warranted the appointment of Mr. Girouard in the place of Mr. Davidson. He asked Mr. Simpson whether he had not received £500 for apprehending him as a traitor. He did not blame the Hon. Member as he supposed he knew his duty, but he blamed the hon. member for Kingston, who would have to answer for it at the bar of public opinion. — He may have the power to keep his seat for a time, after sacrificing his colleagues, but the time would come when he would be driven from it.⁴⁹ He thought the appointment of the gentlemen (sic) now looking at him (Mr. Hincks) was a deep insult to every loyal man in Canada.⁵⁰

Messrs. Simpson, Hincks and Viger rose to speak at the same moment.⁵¹

Mr. Simpson obtained possession of the floor⁵².

Sir Allan MacNab asked whether he had received £500 for the apprehension of Mr. Girouard.⁵³

((**Mr. Simpson**)) did not take him as a traitor, and considered that there was no law entitling Sir Allan McNab to stigmatize a man a traitor until after the accusation had been proved.⁵⁴

Sir Allan ((MacNab)) called out⁵⁵, then if he was no traitor, you ought to give back the £500.⁵⁶

Mr. Simpson said that not one farthing of the money ever went into his pocket — he merely spent it.⁵⁷

Sir Allan ((MacNab)), "you took it then."⁵⁸

((**Mr. Simpson** :)) Yes and he would take it even for the apprehension of the gallant Knight, in the performance of his duty. Let it not go to the world that he received it for any purpose of his own.⁵⁹

Mr. Viger condemned the language of *traitor*, used by Sir Allan — he had himself been in jail 19 months, and branded, as a traitor, and thought if they had received proper treatment from the Mother Country, the circumstance never would have occurred which led to such language being used. Let him remember how many were incarcerated — all were not traitors — and are we never to forget and forgive, but the stigmatizing and branding each other as traitors for ever? — Such conduct might do well enough in the dark ages, but it was not becoming nor suited to the enlightened period in which we now live. If her gracious Majesty had been pleased to pardon even one who had been a traitor, is that any reason that he should be so branded as such, and declared to be forever rendered useless as to the service of her Majesty? He declared himself French, and gloried in having suffered to relieve the French Canadians from their oppression.⁶⁰ He was sorry that though born British subjects they (the French Canadians)⁶¹, had been stigmatized, branded as aliens, and what British heart could call that justice?⁶² They should not be treated as factious, when the Government considers them fit to hold high office.⁶³ He deprecated the encouragement of such feelings, and concluded by saying that when the Government acted fairly towards them, they would find no trouble in managing them.⁶⁴

Mr. Hincks — The honorable and learned Knight, in alluding to me, has said that my appointment was an insult to the country, but I dare the gentleman to bring forward and substantiate anything dishonorable as regards my character. Many attacks had been made upon him, (Mr. H.) and he dared them to prove the charges which had been insinuated and made. He would only say that his character stood as high, and he was returned for as respectable a constituency, by the unanimous voice of the people, as the gallant Knight, the member for Hamilton.⁶⁵

Here the Speaker ((**Mr. Cuvillier**)) called Mr. Hincks to order⁶⁶.

Mr. Hincks apologised for the heat of the ... expressions he had been hurried into. He felt proof against the attacks that were made upon him.⁶⁷

Mr. Dunscomb thought the answer given by the hon. member for Oxford, to the question of Sir Allan, was fully satisfactory. We have this night a practible (sic) illustration of responsible government, and it was the greatest boon ever conferred upon the Province. — The Governor General had come forward bravely, and so had the gentleman of the Council, who had overcome the prejudices which had existed against the admission of a majority of the people to the councils of the country. The hon. member for Hamilton had done what he would not have expected. He has pronounced a gentleman a traitor.⁶⁸

Sir Allan ((MacNab)), "I do not ask to retract anything I have said. I said, was he not advertised as a traitor, and £500 offered for apprehending him?"⁶⁹

((**Mr. Dunscomb**)) Well, because he was so advertised, was he to jump at the conclusion that he was a traitor? He had never been brought to a trial, and therefore must be held innocent until he was proved guilty. He did not hesitate to state his conviction, that if the government was carried out on the principle of responsibility which had been adopted, they would no longer require the raising of provincial militia, or the introduction of British troops into the Colony — tranquility would be restored, and prosperity would follow.⁷⁰

Dr. Dunlop spoke of the sudden changes which had taken place in that house, and said they were even more extraordinary, although occurring within 24 hours, than those which his old friend Rip Van Winkle had observed upon his descent from the mountain, after a twenty year's sleep. He compared the administration about forming, to Nebuchadnezzar's dream, composed of all kind of materials; but tho' he would not be invidious as to who were to be the head of gold, or the legs of brass, he must say he was afraid it contained more dirt than anything else. (Laughter.)⁷¹ He did not in fact know where to find the gentlemen whom he left in their places yesterday.⁷²

Mr. Johnston said there was a great deal of trickery and underhand work going on, which he could not understand. For instance he had heard the hon. member for Hastings say, with reference to the hon. member for Oxford, having lost confidence in him, "confidence once lost, could not be restored" and yet it seemed that the hon. gentleman was perfectly ready to take his seat at the Council board with one in whom he could have no confidence. It was a mystery to him altogether.⁷³ He never had confidence in the last Ministry, and had none in this.⁷⁴ Everything they said was parsley and salt (laughter); however, the house could afford to be merciful, he wished to read a few extracts from the *Toronto Herald* that would enlighten (Mr. Hincks.) They were at best a set of very pliable politicians.⁷⁵

Mr. Turcotte addressed the house, in the French language, at some length.⁷⁶ ((He)) condemned the practice of stigmatizing persons unaccused of crime, as traitors ; look to the right and left, what have we here ? — all traitors ? He also observed that the respective populations of Lower Canada were getting assimilated ; and the Canadians of French origin, finding the Government disposed to treat them as men having rights and interests, would be found among the firmest supporters of Government.⁷⁷

Mr. Cartwright said, that the information asked for by his hon. and gallant friend, was such as he conceived necessary to be given to the House. It was necessary that the constituents of those gentlemen who had just vacated their seats for the purpose of seeking a re-election, should know what arrangements were made upon which they were called upon in their elective capacity to express an opinion. The conduct of the late ministry had given any thing but satisfaction to the country⁷⁸. Had the hon. member for Kingston, instead of adopting the course he had done, had the House been dissolved, and ... had ((he)) gone once more before his constituents, he would have found that those constituents would not have re-elected him, of that he might rest quite assured, and His Excellency would have found, had he sent the members back to their constituents, that a very different set of men would have been returned to him in their place.⁷⁹ He disapproved of Responsible Government as a new and dangerous innovation (sic), and when he saw persons sacrificing their Colleagues it did not impress him more favorable in respect to it.⁸⁰ He felt deeply for that Government, when he found them compelled to take into their councils the traitor Girouard for whom a reward of £500 had been offered for his apprehension. There were circumstances connected with this affair, which at some future time he should take an opportunity to explain. He was a Canadian born, he gloriéd in being so, he was called a member of the family compact, and he denied any comparison being put between that compact and the present administration. That compact would never have sacrificed their friends to secure their own places, never would have turned out an honest servant of 20 years standing to please any party.⁸¹ Offence had been taken with respect to Lower Canada, but he could assure them nothing of the kind was intended. He had always been in favor of doing justice to Lower Canada, and the hon. gentlemen from that section of the Province would bear him out in saying that during the last Session both him and his hon. and gallant friend had done all within their power to render them that justice to which they were entitled.⁸² He could not reconcile Mr. Baldwin's present conduct with his declaration only a few evenings ago ; he did not see how Mr. Baldwin could sit alongside Mr. Hincks, after the manner that he (Mr. B.) had denounced Mr. Hincks, such inconsistency demanded explanation, and he would demand it of Mr. Baldwin when he saw him once more in his place.⁸³ With respect to the information which had been asked he deemed it important that it should be given, and trusted it would not be withheld.⁸⁴

Mr. Cameron had taken pains to ascertain the precise expressions made use of by the hon. member for Hastings in reference to the hon. member for Oxford, and he would assure the house they were not as were represented by the hon. member for Carlton. The words used were, that confidence once broken, *he feared*, could not be restored. The hon. gentleman adverted to Responsible Government, and entered into a history of the workings, and was glad that things had now taken a right position, and that a line of demarcation was now drawn. Much had been said about clinging to office, and sacrificing friends, but he was glad that the principle was in operation that led to the dismissal of those not representing the wishes of the people, and prohibiting those who could not get seats from holding places in the administration of affairs.⁸⁵ He was happy to see the majority governing the minority. Mr. Sherwood was to be dismissed on that principle. The dismissal of Mr. Ogden was perfectly justifiable. Mr. Ogden had lost the confidence of Lower Canada, and should make room for those who had received it. The pension of that gentleman was to be left to the House.⁸⁶ He was sorry that the hon. member for Hamilton alluded in the language he did, to Mr. Girouard, language calculated to produce the excitement it had created.—That hon. gentleman was apprehended, and if he were, and abused, it would rather be an additional reason for the exercise of kindness towards him.⁸⁷

Sir Allan MacNab made some strong allusions, to Messrs. Girouard and Dominick Daly, he asked Mr. Daly, when his absent friend Mr. Ogden was to be dismissed, did he stand forward and defend him, he would find what Mr. Baldwin had told them a few nights ago to be true, honesty was the best policy ; so, Mr. Sherwood was to be dismissed, this was the first intimation he had heard of that alteration, Mr. Draper had boasted greatly of the sacrifice he was making by being turned out. He expected a distinct answer to his question from the gentleman opposite.⁸⁸

Mr. Harrison said that at the proper time he should move for a pension to Mr. Ogden, it would remain for the House to grant it or not; he should give no other answer.⁸⁹

(14)

Hastings County, Writ.

On motion of the Honourable Mr. *Harrison*, seconded by the Honourable Mr. *Dunn*,

Ordered — That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the Election of one Member to serve in the present Provincial Parliament for the County of *Hastings* in the room and place of *Robert Baldwin*, Esquire, who, since his Election, hath accepted the office of Her Majesty's Attorney General, for that part of the Province heretofore *Upper Canada*.⁹⁰

Ordered — That the Honourable Mr. *Draper* have leave to absent himself from this House, for one week, from Monday next.

Mr. Neilson moves that leave of absence be granted to Mr. J.S. Macdonnel, member for Glengarry, for one week on urgent business.⁹¹

Seconded by Mr. *Price*.⁹²

(14)

Seamen desertion bill.

On motion of Mr. *Black*, seconded by Mr. *Burnet*,

Ordered — That Mr. J. S. *Macdonald* have leave to absent himself from this House, until Monday the twenty sixth instant, on urgent business.

Resolved — That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to consider the expediency of amending the Act of the Legislature of *Lower Canada*, 47 Geo. III. cap. 9, intituled, "An Act to prevent the desertion of Seamen and others in the sea service, to punish persons encouraging such Seamen and others to desert, or harbouring or concealing them thereafter; and to repeal certain Acts therein mentioned."⁹³

Mr. Cartwright begged leave to ask the honorable member if it was his intention to move any amendments to the Criminal Acts passed last Session.⁹⁴

Mr. Black stated that with respect to the terms of imprisonment within the Penitentiary, he was prepared to move for their reduction and better regulation.⁹⁵

(14)

Agriculture Amendment Bill.

On motion of the Honourable Mr. *Jones*, seconded by Mr. *McLean*,

Resolved — That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to consider the expediency of amending the Act of 6 Will: IV. cap. 56, of the late Province of *Lower Canada* intituled, "An Act to repeal a certain Act therein mentioned, and more effectually to remedy divers abuses prejudicial to agriculture."

Adjournment.

Mr. *Hale* moved, seconded by Mr. *Boswell*, That when this House doth adjourn, it will adjourn until to-morrow, at three o'clock, p. m.⁹⁶

Messrs. Neilson ... Simpson, and Small, strongly opposed the motion.⁹⁷

Mr. Johnston ... ((stated)) that it was all well enough for those who lived in Kingston, and who were doubtless desirous of having a holiday to themselves during the week, but with men who had affectionate wives and children at home, waiting for their return, it was altogether a different matter.⁹⁸

Mr. Hamilton supported it.⁹⁹

(14)

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down, as followeth : —

YEAS.

Messieurs. *Armstrong, Berthelot, Boswell, Boutillier, Burnet, Chesley, Cook, Dunlop, Dunn, Duggan, Durand, Foster, Gilchrist, Hale, Hamilton, Holmes, Hopkins, Johnston, Jones, Sir Allan N. MacNab, McCulloch, J. S. Macdonald, McLean, Merritt, Moffatt, Prince, Roblin, Harmannus Smith, Tache, Thompson, Thorburn, Watts, Williams, and Yule.* (34.)

NAYS.

Messieurs. *Barthe, Black, Cameron, Cartwright, Crane, Daly, De-lisle, Derbyshire, DeWitt, Draper, Forbes, Harrison, Hincks, Kimber, Leslie, D. McDonald, Morris, Neilson, Noel, Papineau, Parke, Powell, Simpson, Small, Henry Smith, Turgeon, D. B. Viger, L. M. Viger, and Woods.* (29.)

So it was carried in the affirmative ; and,
Ordered accordingly.

On motion of the Honourable Mr. *Jones*, seconded by Mr. *Child*,

Resolved — That this House will, on Thursday next, resolve itself into a Committee of the whole House, to consider the expediency of amending the Ordinance of the Special Council of the late Province of Lower Canada, establishing Registry offices.

Ordered — That Mr. *Cartwright* have leave to bring in a Bill to afford relief, in certain cases, to sellers of real estate in *Canada West*,

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday the twenty-ninth instant.

The Honourable Mr. *Draper*, from the Special Committee appointed to prepare an humble Address to Her Majesty, offering to Her Majesty the cordial congratulations of this House, on the birth of the Prince of *Wales*, and a similar Address to His Royal Highness Prince *Albert*; and also, an humble Address to Her Majesty, to declare the heartfelt gratitude of Her Majesty's faithful Commons of this Province, that it has pleased Divine Providence to shield their beloved Sovereign from the treasonable attempt of a reckless and wicked assassin; presented to the House the Addresses, prepared by the said Committee, which Addresses were again severally read at the Clerk's table, and agreed to by the House, and are as followeth : —

To the Queen's Most Excellent Majesty,
Most Gracious Sovereign.

WE, your Majesty's dutiful and loyal subjects, the Commons of *Canada*, in Provincial Parliament assembled, most humbly tender to your Majesty our cordial congratulations on the birth of the Prince of *Wales*, an event which we feel to be most auspicious to the whole British Empire, and we are assured must be equally conducive to the domestic happiness of your Majesty and your August Consort.

To His Royal Highness Prince *Albert, Francis, Augustus, Charles, Emmanuel, of Saxe Cobourg Gotha*, Field Marshal in Her Majesty's Forces, &c. &c. &c.

May it please your Royal Highness.

WE, her Majesty's dutiful and loyal subjects, the Commons of *Canada*, in Provincial Parliament assembled, most humbly tender to

(15)

your Royal Highness our cordial congratulations on the birth of the Prince of *Wales*, an event which we feel to be most auspicious to the whole British Empire, and we are assured must be equally conducive to the domestic happiness of your Royal Highness and our Most Gracious Sovereign.

To the Queen's Most Excellent Majesty.
Most Gracious Sovereign.

WE, your Majesty's dutiful and loyal subjects, the Commons of *Canada*, in Provincial Parliament assembled, unite with one voice of

Registry Bill.

Real Estate
(relief to sellers
of,) Bill.

Addresses of
congratulation
to Her Majesty.

thanksgiving to Almighty God, that He was been pleased to avert from your Majesty, our beloved Sovereign, the danger to which your Majesty has been exposed by the treasonable attempt of a reckless and wicked assassin, and we most heartily pray that Divine Providence will continue to watch over and preserve a life so justly dear to all classes of your Majesty's subjects.

Ordered — That the said Addresses be engrossed.

Ancient limits
of Quebec.

Committee of
whole on answer
to Speech.

Ordered — That Mr. Burnet have leave to bring in a Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient Boundaries and Limits of the City of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

The order of the day for the House in Committee on the draught of a proposed Address to His Excellency, the Governor General, in answer to His Excellency's Speech at the opening of the Session, and on the proposed amendment to the said draught, being read ;

The House accordingly resolved itself into the said Committee,
Mr. Armstrong took the Chair of the Committee,¹⁰⁰

Mr. Viger, on the part of Mr. Baldwin, asked leave to withdraw his amendment.¹⁰¹

Sir Allan MacNab did not rise to make any objections to the amendment which had been proposed by the hon. member for Hastings. In that part of it which expressed a want of confidence in the present ministry, he entirely concurred, and was prepared to give it his support. Those hon. gentlemen seemed to be afraid of coming to the discussion of their measures and conduct, and had taken shelter in the council room rather than defend their position.¹⁰²

Mr. Moffatt, spoke nearly to the same effect ; the only part of the amendment of which ... ((he)) cared any thing about, was the clause expressing a want of confidence in the ministry. But as the mover had thought proper to withdraw his amendment they should offer no opposition.¹⁰³

Mr. Johnston was strongly opposed to the withdrawal of the amendment, he wished the committee to be divided, and the yeas and nays taken, in order that the country might see who were honest men and who were not. It being against the rules of the house to take the yeas and nays in committee, the honorable gentleman's motion could not be complied with.¹⁰⁴

Mr. Viger rose to move a new amendment, one which he hoped would be satisfactory to every member, as it was one which would not commit any hon. gentleman of that house.¹⁰⁵

The amendment was here read by the Clerk. The assertion of a want of confidence was omitted ; and several clauses introduced by Mr. Baldwin in his amendment were either left out or modified, in order to leave the address as nearly as possible an echo of the speech.¹⁰⁶

Mr. Small rose to second the amendment. He congratulated the House that the former amendment was withdrawn. The present one was nearly an echo of the speech. He congratulated the House and the country upon the position in which they now stood¹⁰⁷. Everything for the future was to be happy, quiet and prosperous. The lion was to lie down with the lamb ; and the English and French Canadians were to become a united people.¹⁰⁸ It had been found necessary (sic) to press to a vote the motion of a want of confidence. He hoped the amendment now read would receive the sanction of the House.¹⁰⁹

Mr. Parent spoke a long while in French and said a good deal about traitors and treasons, rebellions and pardon¹¹⁰.

A very long and noisy debate followed, in which **Messrs. Small, Johnston, Moffatt, Doctor Dunlop, Viger, Neilson, Sherwood** and others took a part¹¹¹.

Mr. Johnston ... moved that the Committee rise, report progress, and ask leave to sit again on Monday. He urged a reason, that the members of the House had had no time to look into the amendment proposed, and were not therefore prepared to indorse it, and hoped hon. gentlemen would allow time, and not act hastily in such an important matter¹¹².

((The motion was)) seconded by **Dr. Dunlop**¹¹³.

The motion was supported by **Sir Allan MacNab** and **Mr. Moffatt**, and elicited some discussion¹¹⁴. ((There ensued)) considerable interruption and loud cries of "Order"! "Question"! "Chair"! &c.¹¹⁵

((The motion)) was ultimately lost by a large majority¹¹⁶.

(15)

and after some time spent therein ;

Mr. Speaker resumed the Chair,

And Mr. Armstrong reported, that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Mr. Viger then moved his amendment¹¹⁷.

And **Mr. Johnston** called for the Yeas and Nays¹¹⁸.

(15)

Mr. Speaker having put the question —

Shall the Report be now received ?

The House divided, and the names being called for, they were taken down, as followeth :

YEAS.

Messieurs. Armstrong, Barthe, Berthelot, Boswell, Boutillier, Cameron, Cartwright, Cook, Daly, Delisle, DeWitt, Draper, Dunscombe, Durand, Forbes, Foster, Gilchrist, Hale, Harrison, Hincks, Holmes, Hopkins, Kimber, Leslie, McCulloch, McLean, Merritt, Moffatt, Moore, Morris, Parent, Parke, Powell, Quesnel, Roblin, Simpson, Small, Harrmannus Smith, Tache, Taschereau, Thompson, Thorburn, Turcotte, Turgeon, D. B. Viger, L. M. Viger, Watts, and Williams, (48.)

NAYS.

Messieurs. Dunlop, and J. S. Macdonald, (2.)

So it was carried in the affirmative.,

And the Report was received, and the said Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That an humble address be presented to His Excellency, the Governor-General, to thank His Excellency for his most gracious Speech from the Throne, at the opening of the present Session of the Provincial Parliament, and to convey to His Excellency, with an assurance of the regret of this House for the painful circumstances under which the Government of his Predecessor was brought to a close, its hearty congratulations on His Excellency's assumption of the Government of this Province; and to assure His Excellency, that in the discharge of the high and important duties to which he has been called, His Excellency will at all times receive from this House a cordial and constitutional support. That this House feels confident that His Excellency's exercise of the Royal Prerogative, in selecting the present as the period for calling it together, was with a view to the benefit of the public service :

To assure His Excellency, that, this House sincerely rejoices to learn that several events of interest to this Province and the British Empire have, since it last met, been, in their issue, mercifully directed by Providence for the security and advantage of both :

That the birth of a Prince, destined, under God's Providence, to occupy the British Throne, is to this House, as it must be to all Her Majesty's faithful subjects, a source of the sincerest joy, and that it will afford this House the highest gratification to join in cordial congratulations to the Queen and her August Consort upon this event, so conducive to their domestic happiness, and so auspicious for the nation :

That this House unites with one voice in thanksgiving to Almighty God, that He has been pleased to avert from our beloved Sovereign

Resolution in
answer to Speech.

the danger to which she has been exposed by the the treasonable attempt of an assassin, and by the malice of the reckless and wicked ; and this House most cordially joins in the prayer that the same Providence will continue to watch over, and long preserve a life so justly dear to all classes of Her Majesty's subjects :

That this House has received with great satisfaction the information that a Treaty between *Great Britain* and the *United States of America* has been signed on the part of Her Majesty, and since ratified by the Federal Senate, by which the important questions affecting this Province and the *United States* have been adjusted ; and it augurs the most favourable consequences from the assurance thus afforded, that peace will be maintained, and its undivided energies left to be directed to the advancement and development of those resources which a merciful Providence has so bountifully bestowed upon us :

That this House feels a just confidence that the accomplishment of such happy results has been among Her Majesty's chief objects in the negotiation of the Treaty ; and that it receives with the most profound respect and sincere affection the assurance, which His Excellency has, by Royal Command, conveyed to it, that no wish is nearer to Her Majesty's heart, than that, under her rule and the protection of her Crown, all her faithful subjects in *Canada* may rest in undisturbed peace — may feel themselves to be one people with their fellow subjects in the British Islands — and may increase in wealth, prosperity, and contentment ; and to assure His Excellency, that for the preservation of those blessings, Her Majesty's faithful Commons of *Canada* desire no other guarantee than the enjoyment of the British Constitution in all its integrity, as applicable to its condition as one of the Colonial Dependencies of that mighty Empire to which it is its pride to belong :

That the high character of the British Government for fidelity to its pecuniary engagements, gave a full assurance of its promise to guarantee a Loan for the Province being faithfully redeemed ; and that the Act of the Imperial Parliament which gives effect to that promise, as well as the other information and the communication which His Excellency has promised should be laid before it, will receive its most respectful attention :

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That when this House shall receive the information respecting the Public Works which His Excellency has directed to be laid before it, that most important subject will not fail to engage its best attention ; and that it will afford this House much satisfaction to find that every means at the command of the Government has been adopted to obviate the inconveniences of delay, and advance those most important objects of public interest :

That this House regrets to learn that it was found impracticable to carry into effect in *England* the arrangements proposed last year for the assistance of deserving Emigrants ; but it is happy to be informed that Her Majesty's Government have obtained from the Imperial Parliament a grant of money in aid of destitute Emigrants upon their arrival in this country ; and that it is in the meantime satisfactory to this House to learn from His Excellency, that though the number of Emigrants who have arrived in the Province during the present season has been much greater than during the corresponding period of last year, no serious destitution has prevailed among them ; and that this House rejoices to learn that there exist such flattering prospects of their ultimate success and prosperity :

That this House is happy to learn that the condition of the Public Revenue is so satisfactory, and that the measures adopted by the Provincial Parliament during the last Session, to provide by means of increased taxes upon Imports, for meeting the charge about to be created for the completion and extension of the Public Works and other exigencies of the Province, have been eminently successful :

That this House will give its most respectful attention to the Tariff of the Imperial Parliament, for the British Possessions in *North America*; which has, it feels assured, been founded, as regards this Province, in a most generous spirit; and that this House will also apply itself to the consideration of the Revenue Laws of this Province, to which His Excellency has directed its attention, with a view to render the latter as harmonious with the enactments of the Imperial Parliament, as may be found practicable:

That to this House it affords the highest gratification to learn that Her Majesty's Government have evinced a most liberal disposition in the consideration of the duties on agricultural produce, in connection with the trade of the Province; and it rejoices that His Excellency is led to hope that an arrangement may be made to extend the market for Canadian produce, in a manner alike advantageous to this Province and the Mother Country:

That the accounts of the Revenue and Expenditure of the last year, together with the Estimates for the ensuing year, will not fail, when laid before this House, to receive its most attentive consideration:

That this House learns with satisfaction that His Excellency has given much attention to the operation of the great measures past during the last Session of the Provincial Parliament; and that to such modifications as may be constitutionally proposed for its consideration, this House will give its best attention; and that His Excellency may rest assured of its cheerful aid in considering the necessary amendments in the Municipal Institutions of the country:

That this House is thankful to His Excellency for the desire evinced by him for the accomplishment of the wishes of Parliament in carrying into effect the Act for the promotion of Education, and that it rejoices that an impulse has been given to that important source of both public and private happiness and prosperity, in its higher as well as its elementary branches; and feels assured that the result cannot fail to confer the most important benefits upon the whole Province:

That to the re-organization of the Militia, this House will most readily direct its attention; and it rejoices that the present is a favourable opportunity to alleviate unnecessary pressure upon the people, and to place this arm of the public defence upon a sounder and more satisfactory footing:

That this House is deeply sensible of the great importance of the various matters to which His Excellency has been pleased to direct its attention, and feels the utmost satisfaction in the assurance, so consonant to the feelings which animate the breast of the Representative of our beloved Sovereign, that in endeavouring to perfect these measures, as well as in all its labours for the advancement of the welfare of the Province, this House may rely with confidence upon His Excellency's cordial co-operation:

To assure His Excellency that this House is most anxious that its counsels should be animated, and its proceedings directed, by that spirit of harmony which is best calculated to lead to results at once useful and permanent:

That this House rejoices in the promise of peace, upon an honourable and advantages basis; and that from the advances made towards the establishment of tranquility and security, it entertains the best hopes of happy results, in securing the enjoyment and consideration of free and permanent institutions, and the restoration of financial credit and commercial confidence, which will be to this House, and to all the Inhabitants of the Province, a source of lasting gratitude.

Resolved — That the said Resolution be referred to a Special Committee, to prepare and report the draught of an Address in answer to the Speech of His Excellency, the Governor-General, to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament, in conformity to the said Resolution.

DEBATES OF LEGISLATIVE ASSEMBLY

Ordered — That the Honourable Mr. *Viger*, Mr. *Forbes*, the Honourable Mr. *Moffatt*, the Honourable Mr. *Draper*, and Mr. *Quesnel*, do compose the said Committee.

Montreal
boundaries.

The order of the day for the second reading of the Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient boundaries and limits of the City of *Montreal*, being read,

Ordered — That the said order of the day be postponed until Wednesday next.

Then on motion of Mr. *Delisle*, seconded by Mr. *Dunlop*,
The House adjourned.

Footnotes — 16 September 1842.

1. "The House opened (sic) at the usual hour. The crowd of expectants awaiting the *deouement* (sic) of to-day was greater than on any previous occasion this session." MONTREAL GAZETTE, 19 September 1842. At this time the newspapers were naturally filled with commentary on the changed composition of the Executive Council. Unfortunately it is not within our scope to note the location of all such articles, but mention should be made of the columns of the MONTREAL TRANSCRIPT, 27 September 1842, in which the editorial comments on the subject of the Executive Council are cited from 13 newspapers, both Upper and Lower Canadian : MONTREAL GAZETTE, MONTREAL HERALD, MONTREAL COURIER, HAMILTON GAZETTE, COBOURG STAR, TORONTO PATRIOT, KINGSTON NEWS, QUEBEC GAZETTE, SHERBROOKE GAZETTE, NIAGARA REPORTER, NIAGARA CHRONICLE, BATHURST COURIER, KINGSTON HERALD.

2. The reports in both the BRITISH CHRONICLE, 21 September 1842, and WESTERN HERALD, 6 October 1842, appear to have been derived from the same source. The texts are very similar, and both give the division on the motion as 35 to 15 instead of the correct 53 to 15.

3. WESTERN HERALD, 6 October 1842.

4. IBID.

5. This motion was reported in the WESTERN HERALD, 6 October 1842, and BRITISH COLONIST, 21 September 1842.

6. BRITISH COLONIST, 21 September 1842.

7. The debate on this matter was reported in : BRITISH COLONIST, 21 September 1842 ; WESTERN HERALD, 6 October 1842 ; KINGSTON CHRONICLE, 17 September 1842 ; MONTREAL TRANSCRIPT, 20 September 1842 ; LE CANADIEN, 21 September 1842 ; MONTREAL GAZETTE, 19 September 1842 ; EXAMINER, 21 September 1842. The EXAMINER's account is copied from that of the KINGSTON CHRONICLE. The report in the WESTERN HERALD is almost identical to that in the KINGSTON CHRONICLE except for the last speeches of Messrs. Cartwright, Cameron, MacNab, and Harrison, which are identical to those in the BRITISH COLONIST.

8. BRITISH COLONIST, 21 September 1842.

9. IBID.

10. WESTERN HERALD, 6 October 1842.

11. BRITISH COLONIST, 21 September 1842.

12. WESTERN HERALD, 6 October 1842.

13. BRITISH COLONIST, 21 September 1842.

14. WESTERN HERALD, 6 October 1842.

15. BRITISH COLONIST, 21 September 1842.

16. WESTERN HERALD, 6 October 1842.

17. BRITISH COLONIST, 21 September 1842.

18. IBID.

19. IBID.

20. WESTERN HERALD, 6 October 1842.

21. BRITISH COLONIST, 21 September 1842.

22. WESTERN HERALD, 6 October 1842.

23. BRITISH COLONIST, 21 September 1842.

24. WESTERN HERALD, 6 October 1842.

25. BRITISH COLONIST, 21 September 1842.

26. WESTERN HERALD, 6 October 1842.

27. IBID.

28. IBID.

29. IBID.

30. IBID.

31. IBID.

32. IBID.

33. IBID.

34. MONTREAL GAZETTE, 19 September 1842.

35. BRITISH COLONIST, 21 September 1842.

36. WESTERN HERALD, 6 October 1842.

37. BRITISH COLONIST, 21 September 1842.

38. WESTERN HERALD, 6 October 1842.

39. BRITISH COLONIST, 21 September 1842.

40. WESTERN HERALD, 6 October 1842.

41. BRITISH COLONIST, 21 September 1842.

42. WESTERN HERALD, 6 October 1842.

43. BRITISH COLONIST, 21 September 1842.
 44. WESTERN HERALD, 6 October 1842.
 45. BRITISH COLONIST, 21 September 1842.
 46. WESTERN HERALD, 6 October 1842.
 47. BRITISH COLONIST, 21 September 1842.
 48. WESTERN HERALD, 6 October 1842.
 49. IBID.
 50. BRITISH COLONIST, 21 September 1842.
 51. WESTERN HERALD, 6 October 1842.
 52. IBID.
 53. IBID.
 54. IBID.
 55. IBID.
 56. BRITISH COLONIST, 21 September 1842.
 57. IBID.
 58. WESTERN HERALD, 6 October 1842.
 59. IBID.
 60. IBID.
 61. BRITISH COLONIST, 21 September 1842.
 62. WESTERN HERALD, 6 October 1842.
 63. BRITISH COLONIST, 21 September 1842.
 64. WESTERN HERALD, 6 October 1842.
 65. IBID.
 66. BRITISH COLONIST, 21 September 1842.
 67. IBID.
 68. WESTERN HERALD, 6 October 1842.
 69. IBID.
 70. IBID.
 71. IBID.
 72. BRITISH COLONIST, 21 September 1842.
 73. WESTERN HERALD, 6 October 1842.
 74. MONTREAL GAZETTE, 19 September 1842.
 75. BRITISH COLONIST, 21 September 1842.
 76. IBID.
 77. MONTREAL GAZETTE, 19 September 1842.
 78. KINGSTON CHRONICLE, 17 September 1842.
 79. WESTERN HERALD, 6 October 1842.
 80. KINGSTON CHRONICLE, 17 September 1842.
 81. WESTERN HERALD, 6 October 1842.
 82. KINGSTON CHRONICLE, 17 September 1842.
 83. WESTERN HERALD, 6 October 1842.
 84. KINGSTON CHRONICLE, 17 September 1842.
 85. EXAMINER, 21 September 1842, copied from KINGSTON CHRONICLE, 17 September 1842, the latter quite blurry in this section. The KINGSTON CHRONICLE added: "We are sorry to be obliged to give this meagre report of Mr. Cameron's excellent speech, as we have not space in our present no. to do more."
 86. WESTERN HERALD, 6 October 1842.
 87. EXAMINER, 21 September 1842, copied from KINGSTON CHRONICLE, 17 September 1842, the latter quite difficult to read in this section.
 88. WESTERN HERALD, 6 October 1842.
 89. IBID.
 90. WESTERN HERALD, 6 October 1842, reported that the writ for Hastings "moved and carried without debate."
 91. KINGSTON CHRONICLE, 17 September 1842.
 92. IBID.
 93. The following exchange was reported in the BRITISH COLONIST, 21 September 1842, and KINGSTON CHRONICLE, 17 September 1842. The latter account was copied by the EXAMINER, 21 September 1842.
 94. KINGSTON CHRONICLE, 17 September 1842.
 95. IBID.
 96. This debate was reported by the BRITISH COLONIST, 21 September 1842, and the KINGSTON CHRONICLE, 17 September 1842. The latter account was copied by the EXAMINER, 21 September 1842. The KINGSTON CHRONICLE, noted that "This motion led to much discussion but was ultimately adopted."
 97. BRITISH COLONIST, 21 September 1842.
 98. KINGSTON CHRONICLE, 17 September 1842.
 99. BRITISH COLONIST, 21 September 1842.
 100. This debate was reported in: LE CANADIEN, 21 September 1842; MONTREAL TRANSCRIPT, 20 September 1842; KINGSTON CHRONICLE, 17 September 1842. The latter account was copied by the EXAMINER, 21 September 1842.
 101. BRITISH COLONIST, 21 September 1842.
 102. WESTERN HERALD, 6 October 1842.
 103. BRITISH COLONIST, 21 September 1842.
 104. IBID.
 105. WESTERN HERALD, 6 October 1842.
 106. IBID.
 107. IBID.
 108. BRITISH COLONIST, 21 September 1842.
 109. WESTERN HERALD, 6 October 1842.
 110. BRITISH COLONIST, 21 September 1842, which commented that "If we misrepresent the speaker he should talk English, which he can do as well as any man in that House."

111. IBID.
112. WESTERN HERALD, 6 October 1842.
113. IBID.
114. IBID.
115. BRITISH COLONIST, 21 September 1842
116. WESTERN HERALD, 6 October 1842.
117. BRITISH COLONIST, 21 September 1842.
118. IBID.

Saturday, 17 September 1842.

16 Petitions
brot. up.

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The following Petitions were severally brought up, and laid on the table :—

By Mr. Black, the Petition of *James Maclaren*, of *Quebec*, Gaoler ; the Petition of *Frederick Mimee*, of *Quebec*, Tiptaff of the Court of King's Bench ; the Petition of *J. B. Landry*, of *Quebec*, Crier of the Court of King's Bench ; and the Petition of *Charles Turgeon*, of *Quebec*, Lumber Merchant.

By Mr. Noel, the Petition of the Inhabitants of the County of *Lotbiniere*.

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By Mr. Cartwright, the Petition of the Reverend *Thomas Phillips*, of *Etobicoke*, in the *Home* District.

By Mr. Forbes, the Petition of *C. P. Treadwell*, of *L'Orignal*, Sheriff ; and of *Ignace Raizenne*, of the Parish of *St. Benoit*, Notary.

By Mr. Henry Smith, the Petition of the Venerable *G. O. Stuart*, and others, Inhabitants of the Township of *Kingston* ; and the Petition of *Isaac Bond*, and others, Inhabitants of the township of *Loughborough*, and other places.

By the Honourable Mr. Draper, the Petition of *W. Kingsmill*, Sheriff, and others, of the town of *Niagara* ; and the Petition of *John C. Ball*, and others, of the township of *Niagara*.

By Mr. Delisle, the Petition of the Inhabitants of *Cote de la Vertu*, Parish of *St. Laurent*, District of *Montreal*, and neighbouring places ; and the Petition of *D. D. Eschambault*, and other Inhabitants, of *La-prarie*.

By Mr. Hale, the Petition of *Samuel Brooks*, and others, Trustees of the *Sherbrooke* Academy.

By Captain Steele, the Petition of *W. H. Richardson*, and others, Inhabitants of the township of *Tecumseth*.

Pursuant to the order of the day, the following Petitions were read :

Of the President, Directors, and Company, of the Commercial Bank of the *Midland* District, praying that they may be allowed to increase their Capital Stock.¹

Of *R. B. McGinnis*, and others, of the County of *Huntingdon*, praying to be indemnified for losses sustained during the late Rebellion.²

Of *E. W. Douglas*, President of the Agricultural Society for the County of *Huntingdon*, and others, praying that the Agricultural Societies of *Canada East* be placed on the same footing as those of *Canada West*.³

Midland District
Bank.

R. B. McGinnis.

Agricultural
Society,
Huntingdon.

T. Van Vliet and
John Odell.

Inhabitants,
Lochiel.

Of *Traver Van Vliet* and *John Odell*, of *Lacolle*, praying to be indemnified for losses sustained during the late Rebellion.⁴

Of divers Freeholders and Inhabitants of the township of *Lochiel*, and other places, praying that certain concessions in the townships of *Lochiel* and *Kenyon*, be annexed to the *Ottawa* District.⁵

DEBATES OF LEGISLATIVE ASSEMBLY

Inhabitants,
Eastern and
Ottawa Districts.

Gore Bank.

T. Ward, and
others.

John Knowlson,
and others.

Paul Glasford,
and others.

Silvester
Skinner.

M. M. Crawford,
and others.

Leonard Wilcox.

L. L. Hutchison.

Jas. Wilson,
and others.

Talbot District
Council.

Rev. T. Cooke,
and others.

John Garbutt,
and others.

Jeptha Bradshaw,
and others.

R. Barclay,
and others.

Mehitable Shaw.

Of *George Macdonell*, and others, Inhabitants of the *Eastern* and *Ottawa* Districts, complaining that the sum of £1500, voted by the Legislature to repair the Post Road from *Cornwall* to the *Ottawa*, has been misapplied, and praying that justice be done in the premises.⁶

Of the President, Directors and Company, of the *Gore* Bank, praying that certain amendments be made to the act of incorporation of the said Bank.⁷

Of *T. Ward*, and others, of the town of *Port Hope*, in the County of *Durham*, in the *Newcastle* District, praying that the plank road now being constructed from the western end of *Rice Lake* to *Lake Ontario*, be discontinued by an Act of the Legislature, and that the monies to be expended on the same, be laid out on the present travelled line of road.

Of *John Knowlson*, and others, of the townships of *Cavan* and *Manvers*, praying that an inquiry into the causes of intemperance be instituted, and that such steps be taken as may secure its suppression.

Of *Paul Glasford*, and others, Inhabitants of the town of *Brockville*, praying that a Bankrupt Law may be passed.

Of *Silvester Skinner*, of the town of *Brockville*, praying for a Patent for a threshing and cleaning Machine, invented by himself and two other individuals.

Of *M. M. Crawford*, and others, of *Bayham*, praying that the lumber trade be protected by the imposition of a duty on lumber imported from the *United States* into this Province.

Of *Leonard Wilcox*, of *Toronto*, praying to be indemnified for losses sustained by him in consequence of the illegal seizure of his property by a Custom-House Officer.

Of *L. L. Hutchison*, and others, of *Bayham*, praying that the township of *Bayham* be annexed to and form part of the District of *Brock*.

Of *James Wilson*, and others, of the township of *Bayham*, praying that the said township be annexed to the County of *Norfolk*, in the District of *Talbot*.

Of the Municipal Council of the District of *Talbot*, praying that the western limits of the County of *Norfolk* be defined.

Of the Reverend *T. Cooke*, *S. B. Hart*, and others, Inhabitants of the District of *Three Rivers*, praying for amendments to the Municipal District Ordinance; for the repeal of the Judicature, Winter Vehicles, and Rural Police, Ordinances; also, for the application of the Jesuits' Estates to the purposes of Education, in *Canada East*; for the concession of the lands of the Crown, in the rear of the town of *Three Rivers*; and protesting against the Union Act.

Of *John Garbutt*, and others, Inhabitants of the County of *Simcoe*, praying that, that part of the township of *West Gwillimbury* commonly known as the old survey, be not annexed to the township of *East Gwillimbury*.

Of *Jeptha Bradshaw*, and others, School Commissioners of the township of *Madoc*, praying for certain amendments to the School Act.

Of *Robert Barclay*, and others, of *Kingston*, Stone Masons, praying to be indemnified for losses sustained by them in consequence of the non-performance of a public contract, from causes beyond their control.

Of *Mehitable Shaw*, of *Laprarie de la Magdelaine*, widow of the late *T. H. Woolrich*, stating that her husband died in January last from

the effects of a disease contracted while employed as a Captain of Volunteers, during the late Rebellion in *Lower Canada*, and praying relief.

Petitions
referred :
Commercial
Bank.

Resolved — That the Petition of the President, Directors and Company, of the Commercial Bank of the *Midland* District, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered — That Mr. *Morris*, Mr. *Merritt*, Mr. *L. M. Viger*, Mr. *Leslie*, and Mr. *Holmes*, do compose the said Committee.

Jas. Wilson,
and others.

Resolved — That the Petition of *James Wilson*, and others, of the township of *Bayham*, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered — That Mr. *Powell*, Mr. *Parke*, Mr. *Merritt*, Mr. *Durand* and Mr. *Yule*, do compose the said Committee.

Mr. McLean⁸ moved, and **Mr. Neilson** seconded, that the petition praying for inquiry into the subject of a road between the Ottawa District and Beauharnois, for which a sum of £15,000 was granted last session and misappropriated (sic), be referred to a committee.⁹

Mr. Hincks said the only ground of complaint was the line of road; there was a committee appointed¹⁰, by the Board of Works¹¹, to whom the subject was referred, and they recommended a new line, which was adopted.¹² There could be no dispute about the application of the money.¹³

Mr. McLean said that the petitioners did not mean corrupt misapplication; but what they complained of was, that the money was not applied to its legitimate purpose.¹⁴

Dr. Dunlop said he thought the whole affair lay in a nut shell; it was just a dispute on the choice of two parallel lines being made along side of each other, the people at one side wished to have their line adopted, and on the other, theirs.¹⁵

Mr. Johnston was happy to find the principles of responsible Government about to be tested. There were five members in that house that knew as much about the making of a road as the honourable President of the Board of Works, and they would look very sharply after it.¹⁶

Mr. Moffatt, although he would support the petition¹⁷, said the Board of Works should not be condemned unheard; the house has no right to assume that the Board is wrong until the matter comes before them in proper form. The Board certainly had no right to make laws for itself; they should not take on themselves to apply money for one purpose that was granted for another.¹⁸

Sir Allan MacNab said it was strange that the Government should oppose such a motion as this; it is rather an anomaly to him to suppose that their constituents had right to petition, and he really did not think that it would recommend the gentleman opposite to the public to throw any obstacle in the way of this petition. It was notorious that there was a shameful expenditure of the public money in the country of Megantic and in other places in Lower Canada; and, forsooth, because we have a Board of Works the people are not to inquire after the public funds.¹⁹

Mr. Harrison did not see any opposition made to this on the part of the government. There was a grant of £15,000 for a road from the Ottawa District to the St. Lawrence, and it was at first determined to have a military opinion on the subject. He hoped, however, soon to see his friend the President of the Board of Works in his seat, (hear) and he would be much better able to give an opinion on the subject than he (Mr. Harrison) was.²⁰

Mr. Hamilton condemned the conduct of Government in the appliance of this money, and said if a vote of want of confidence was pressed the other day, that circumstance would warrant him in voting for it.²¹

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George Macdonell,
and others.

Resolved — That the Petition of *George Macdonell*, and others, Inhabitants of the *Eastern* and *Ottawa* Districts, be referred to a Special

DEBATES OF LEGISLATIVE ASSEMBLY

Committee, to examine the contents thereof, and to report from time to time; with power to send for persons, papers and records.

Ordered — That Mr. *McLean*, Mr. *Chesley*, the Honourable Mr. *Neilson*, Mr. *Merritt*, Mr. *Williams*, Mr. *Cook*, and Mr. *Boswell*, do compose the said Committee.

Bank of Upper Canada.

Ordered — That the Petition of the President, Directors and Company, of the Bank of *Upper Canada*, presented to the House on the fourteenth instant, be referred to the Special Committee to which was referred the Petition of the President, Directors and Company, of the Commercial Bank of the *Midland* District.

Talbot Municipal Council.

Ordered — That the Petition of the Municipal Council of the District of *Talbot*, be referred to the Special Committee to which was referred the Petition of *James Wilson*, and others, of the township of *Bayham*.

L. L. Hutchison, and others.

Ordered — That the Petition of *L. L. Hutchison*, and others, of *Bayham*, be referred to the said Committee.

T. Ward, and others.

Ordered — That the Petition of *T. Ward*, and others, of the town of *Port Hope*, in the County of *Durham*, in the *Newcastle* District, be referred to the Special Committee to which was referred the Petition of *George Macdonell*, and others, Inhabitants of the *Eastern* and *Ottawa* Districts.

Township of Lochiel.

Resolved — That the Petition of divers Freeholders and Inhabitants of the township of *Lochiel*, and other places, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered — That the Honourable Mr. Attorney General *Draper*, Mr. *D. McDonald*, Mr. *McLean*, Mr. *Johnston*, and Mr. *Foster*, do compose the said Committee.

Rev. T. Cooke, and others.

Resolved — That part of the Petition of the Reverend *T. Cooke*, *S. B. Hart*, and others, Inhabitants of the District of *Three Rivers*, praying for the application of the Jesuits' Estates to the purposes of Education, in *Canada East*; and for the concession of the Lands of the Crown, in the rear of the town of *Three Rivers*, be referred to a Special Committee to inquire into the same and to report thereon from time to time; with power to send for persons, papers and records.

Ordered — That Mr. *Kimber*, Mr. *Turcotte*, the Honourable Mr. *Moffatt*, the Honourable Mr. *Neilson*, Mr. *Berthelot*, the Honourable Mr. *Hincks*, and the Honourable Mr. *Viger*, do compose the said Committee.

The Honourable Mr. *Viger* reported, from the Special Committee appointed yesterday to draw up an Address to His Excellency, the Governor General, that they had drawn up an Address accordingly, and the same was read at the Clerk's table, and agreed to by the House, and is as followeth :

To His Excellency, the Right Honourable Sir *Charles Bagot*, G.C.B. one of Her Majesty's Most Honourable Privy Council, Governor-General of British *North America*, and Captain-General and Governor-in-Chief in and over the Provinces of *Canada*, *Nova Scotia*, *New Brunswick*, and the Island of *Prince Edward*, and Vice-Admiral of the same.

May it please your Excellency —

We, Her Majesty's dutiful and loyal subjects, the Commons of *Canada*, in Provincial Parliament assembled, humbly beg leave to thank Your Excellency for Your most gracious Speech from the Throne, at the opening of the present Session of the Provincial Parliament, and to convey to Your Excellency, with an assurance of our regret at the painful circumstances under which the Government of Your Excel-

lency's Predecessor was brought to a close, our hearty congratulation on Your Excellency's assumption of the Government of this Province ; and to assure Your Excellency that, in the discharge of the high and important duties to which Your Excellency has been called, you will at all times receive from us a cordial and constitutional support. We feel confident that Your Excellency's exercise of the Royal Prerogative, in selecting the present as the period for calling the Legislature together, was with a view to the benefit of the public service.

We assure Your Excellency, that we sincerely rejoice to learn that several events of interest to this Province and the British Empire have, since the last meeting of the Legislature, been, in their issue, mercifully directed by Providence for the security and advantage of both.

The birth of a Prince, destined, under God's protection, to occupy the British Throne, is to us, as it must be to all Her Majesty's faithful subjects, a source of the sincerest joy, and it will afford to us the highest gratification to join in cordial congratulations to the Queen and Her August Consort upon this event, so conducive to their domestic happiness, and so auspicious for the nation.

We unite, with one voice, in thanksgiving to Almighty God, that He has been pleased to avert from our beloved Sovereign the danger to which she has been exposed by the treasonable attempt of an assassin, and by the malice of the reckless and wicked ; and we cordially join in the prayer that the same Providence will continue to watch over, and long preserve a life so justly dear to all classes of Her Majesty's subjects.

We receive with great satisfaction the information that a Treaty between *Great Britain* and the *United States of America* has been signed on the part of Her Majesty, and since ratified by the Federal Senate, by which the important questions affecting this Province and the *United States* have been adjusted ; and we augur the most favourable consequences from the assurance thus afforded, that peace will be maintained, and our undivided energies left to be directed to the advancement and development of those resources which a merciful Providence has so bountifully bestowed upon us.

We feel a just confidence that the accomplishment of such happy results has been among Her Majesty's chief objects in the negotiation of the Treaty ; and we receive with the most profound respect and sincere affection the assurance which Your Excellency has, by the Royal Command, conveyed to us, that no wish is nearer to Her Majesty's heart, than that, under her rule and the protection of her Crown, all her faithful subjects in *Canada* may rest in undisturbed peace — may feel themselves to be one people with their fellow subjects in the British Islands — and may increase in wealth, prosperity, and contentment ; and we assure Your Excellency that for the preservation of those blessings, Her Majesty's faithful Commons of *Canada* desire no other guarantee than the enjoyment of the British Constitution in all its integrity, as applicable to its condition as one of the Colonial Dependencies of that mighty Empire to which it is its pride to belong :

The high character of the British Government for fidelity to its pecuniary engagements, gave this House a full assurance of its promise

(19)

to guarantee a Loan for the Province being faithfully redeemed ; and the Act of the Imperial Parliament which gives effect to that promise, as well as the other information and the communication which Your Excellency has promised should be laid before us, will receive our most respectful attention.

When we shall receive the information respecting the Public Works, which Your Excellency has directed to be laid before us, that most important subject will not fail to engage our best attention ; and it will afford us much satisfaction to find that every means at the command of the Government has been adopted to obviate the inconve-

nences of delay, and advance those most important objects of public interest.

We regret to learn that it was found impracticable to carry into effect in *England* the arrangements proposed last year for the assistance of deserving Emigrants; but we are happy to be informed that Her Majesty's Government have obtained from the Imperial Parliament a grant of money in aid of destitute Emigrants upon their arrival in this country; and it is in the meantime satisfactory to us to learn from Your Excellency, that though the number of Emigrants who have arrived in the Province during the present season has been much greater than during the corresponding period of last year, no serious destitution has prevailed among them; and we rejoice to learn that there exist such flattering prospects of their ultimate success and prosperity.

We are happy to learn that the condition of the Public Revenue is so satisfactory, and that the measures adopted by the Provincial Parliament, during the last Session, to provide, by means of increased taxes upon Imports, for meeting the charge about to be created for the completion and extension of the Public Works and other exigencies of the Province, have been eminently successful.

We will give our most respectful attention to the Tariff of the Imperial Parliament, for the British Possessions in *North America*; which has, we feel assured, been founded, as regards this Province, in a most generous spirit; and we will also apply ourselves to the consideration of the Revenue Laws of this Province, to which Your Excellency has directed our attention, with a view to render the enactments of the latter as harmonious with the enactments of the Imperial Parliament as may be found practicable.

It affords us the highest gratification to learn, that Her Majesty's Government have evinced a most liberal disposition in the consideration of the duties on agricultural produce, in connexion with the trade of the Province; and it rejoices us that Your Excellency is led to hope that an arrangement may be made to extend the market for Canadian produce, in a manner alike advantageous to this Province and the Mother Country.

The accounts of the Revenue and Expenditure of the last year, together with the Estimates for the ensuing year, will not fail, when laid before us, to receive our most attentive consideration.

We learn with satisfaction that Your Excellency has given much attention to the operation of the great measures past during the last Session of the Provincial Parliament; and to such modifications as may be constitutionally proposed for our consideration, we will give our best attention; and Your Excellency may be assured of our cheerful aid in considering the necessary amendments in the Municipal Institutions of the country.

We are thankful for the desire evinced by Your Excellency for the accomplishment of the wishes of Parliament, in carrying into effect the Act for the promotion of Education; and we rejoice that an impulse has been given to that important source of both public and private happiness and prosperity, in its higher as well as its elementary branches; and feel assured that the result cannot fail to confer the most important benefits upon the whole Province.

To the re-organization of the Militia, we will most readily direct our attention; and we rejoice that the present is a favourable opportunity to alleviate unnecessary pressure upon the people, and to place this arm of the public defence upon a sounder and more satisfactory footing.

We are deeply sensible of the great importance of the various matters to which Your Excellency has been pleased to direct our attention, and feel the utmost satisfaction in the assurance, so consonant to the feelings which must animate the breast of the Representative of our beloved Sovereign, that in endeavouring to perfect these measures,

as well as in all our labours for the advancement of the welfare of the Province, we may rely with confidence upon Your Excellency's cordial co-operation.

We assure Your Excellency that we are most anxious that all our counsels should be animated, and our proceedings directed, by that spirit of harmony which is best calculated to lead to results at once useful and permanent.

We rejoice in the promise of peace, upon an honourable and advantageous basis; and from the advances made towards the establishment of tranquility and security, we entertain the best hopes of happy results, in securing the enjoyment and consolidation of free and permanent institutions, and the restoration of financial credit and commercial confidence, which will be to us, and to all the Inhabitants of the Province, a source of lasting gratitude.

Ordered — That the said Address be engrossed.

Resolved — That the said Address be presented to His Excellency, the Governor-General, by the whole House.

Ordered — That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor-General, to know His Excellency's pleasure when he will be attended by this House with its Address.²²

Bank Statements.

On motion of Mr. *Morris*, seconded by the Honourable Mr. *Hincks*,
Ordered — That the officers connected with the several chartered Banks of the Province be respectively directed to lay before this House the statement of the affairs of the said Banks, as required by the Acts of incorporation.

Leave of absence to Mr. Walker;
And to Mr. McLean.

Ordered — That Mr. *Walker* have leave to absent himself from this House, until the fifteenth of October next, on urgent business.

Ordered — That Mr. *McLean* have leave to absent himself from the House for one week, from Monday next, on urgent business.

Then, on motion of the Honourable Mr. *Viger*, seconded by Mr. *Hamilton*,

The House adjourned,

Appendix, 17 September 1842.

((Notice of Proposed Motions.))

Mr. Johnston²³ gave notice of his intention to move an Address to His Excellency, for copies of any Despatch or Despatches relative to the capture of Mr. Girouard, referred to in the letter of His Excellency to Mr. Lafontaine, and the amount paid for his arrest as a traitor.²⁴

Mr. Moffatt²⁵ a donné avis qu'il proposerait de rendre le Président et le Secrétaire du Bureau des Travaux Publics inhabiles à siéger dans la chambre.²⁶

Mr. Powell gave notice that he would, on Monday, move for a committee of five, to take into consideration the standing rules of the house.²⁷

Mr. Dunscomb a donné avis que ... (Lundi) il proposerait une Adresse à Son Excellence le Gouverneur Général, conçue dans les termes suivant : —

“Que cette chambre saisit la première occasion qui se présente d'exprimer à Votre Excellence, en sa qualité de Représentant de Notre gracieuse Souveraine, la vive et entière satisfaction avec laquelle cette chambre a appris les changemens qu'il a plu à Votre Excellence d'effectuer dans la composition de votre Conseil Exécutif, et que cette Chambre est persuadée que pour asseoir le gouvernement de cette province sur une base solide et permanente, il était absolument nécessaire d'inviter la partie nombreuse de nos co-sujets qui sont d'origine française, à prendre une part dans le gouvernement de leur pays, et de réaliser par là les vues sages et justes des autorités Impériales : et que cette chambre regarde cet événement comme étant propre à remédier aux malheureuses dissensions, qui ont empêché le Canada d'avancer dans la carrière de la prospérité d'un pas égal aux avantages que la Providence nous a départis, —

et offre à Votre Excellence ses remerciements les plus sincères d'avoir, par votre sagesse et votre fermeté, ouvert un aussi brillant avenir au Peuple maintenant content et loyal, que vous êtes appelé((s)) à gouverner.²⁸

((Withdrawn Motion Re : Salaries of Provincial Secretaries for the year 1842.))²⁹

Mr. Price in pursuance of his notice, moved for an Address to His Excellency for a return of the emoluments received by the Provincial Secretaries during the year ending Feb. 6, 1842. It appeared by the Civil List prepared at the time of the Union of the two Provinces that the salaries of Secretaries were fixed at £1000 per annum, and £250 in lieu of fees, but he understood that although that was the case, the Secretaries still received their salaries, the £250 and pocketed their fees into the bargain. Unless they are prepared therefore to lay such a statement before the house, as will shew the thing truly, he would press the motion ; if that is done he might perhaps withdraw it.³⁰

Mr. Hincks said, the arrangement made was strictly abided by ; the Secretaries received nothing but their salaries, and the fees spoken of by the hon. gent. (Mr. Price,) amounting to between £700 and £800 had been collected, not by the Secretary but the officers for that purpose ... the public accounts would be laid before the House, it would be seen that he (Mr. Price) was incorrect in his statements.³¹

Mr. Neilson said that there were many fees levied in this Province, which were exorbitant and others too low, and if the matter was laid before the public at large it would be fairer for the officers and more beneficial to the country.³²

Mr. Thorburn wished to know if marriage license fees were included in the £250.³³

Dr. Dunlop satisfied the last named gentleman as to the falsehood of the report.³⁴

Footnotes — 17 September 1842.

1. "Presented by Mr. Morris." MONTREAL TRANSCRIPT, 22 September 1842.
2. "Presented by Mr. Delisle." MONTREAL TRANSCRIPT, 22 September 1842.
3. "Presented by Mr. Delisle." MONTREAL TRANSCRIPT, 22 September 1842.
4. Presented by Mr. Delisle, according to MONTREAL TRANSCRIPT, 22 September 1842.
5. Presented by Mr. Draper, according to MONTREAL TRANSCRIPT, 22 September 1842.
6. Presented by Mr. Foster, according to MONTREAL TRANSCRIPT, 22 September 1842.
7. Presented by Mr. Thompson, according to MONTREAL TRANSCRIPT, 22 September 1842.
8. The debate on this motion was reported by BRITISH COLONIST, 21 September 1842, and EXAMINER, 28 September 1842.
9. BRITISH COLONIST, 21 September 1842.
10. IBID.
11. EXAMINER, 28 September 1842.
12. BRITISH COLONIST, 21 September 1842.
13. EXAMINER, 28 September 1842.
14. BRITISH COLONIST, 21 September 1842.
15. EXAMINER, 28 September 1842.
16. BRITISH COLONIST, 21 September 1842.
17. EXAMINER, 28 September 1842.
18. BRITISH COLONIST, 21 September 1842.
19. IBID.
20. IBID.
21. EXAMINER, 28 September 1842.
22. According to MONTREAL TRANSCRIPT, 22 September 1842, this was moved by Mr. Viger, and seconded by Mr. Moffatt.
23. This notice was reported by MONTREAL TRANSCRIPT, 22 September 1842; MONTREAL GAZETTE, 20 September 1842; BRITISH COLONIST, 21 September 1842; and EXAMINER, 28 September 1842.
24. MONTREAL TRANSCRIPT, 22 September 1842.
25. This notice was reported by: L'AURORE, 24 September 1842; MONTREAL TRANSCRIPT, 22 September 1842; and MONTREAL GAZETTE, 20 September 1842, as having been presented on 17 September 1842. It was also reported by KINGSTON CHRONICLE, 24 September 1842, and MONTREAL GAZETTE, 23 September 1842, as having been presented on 20 September 1842. There is no record of this notice ever having been implemented, but the internal evidence points to the notice having been given on the 17th rather than the 20th.
26. L'AURORE, 24 September 1842.
27. BRITISH COLONIST, 21 September 1842.
28. L'AURORE, 24 September 1842.
29. This debate was reported by EXAMINER, 28 September 1842; and by MONTREAL TRANSCRIPT, 22 September 1842, and MONTREAL GAZETTE, 20 September 1842, in identical accounts.
30. EXAMINER, 28 September 1842.
31. IBID.
32. IBID.
33. MONTREAL TRANSCRIPT, 22 September 1842.
34. IBID. The EXAMINER, 28 September 1843, reported that this motion was carried, but there is no record of it in the JOURNALS and the internal evidence indicates that it was in fact withdrawn.

Monday, 19 September 1842.

(19)

Mr. Speaker laid before the House the Accounts of the Corporation of the Trinity House, *Quebec*, received in conformity to the 20th section of the Act 4 & 5 *Victoria*, cap. 15.

[For the said Accounts see Appendix (E), at the end of this volume.]

14 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table : —

By Mr. Berthelot, the Petition of the Municipal Council of the District of *Kamouraska*.

By Mr. Boutilier, the Petition of the Reverend Joseph Larocque, Director of the College of *St. Hyacinthe*.

(20)

By Mr. Boswell, the Petition of the President, Directors and Company, of the *Cobourg Harbour Company*.

By Mr. Gilchrist, the petition of the Municipal Council of the *Colborne* District.

By Mr. Merritt, the Petition of the Committee formed at *Toronto*, for the protection of Agriculture.

By Mr. Harmannus Smith, the Petition of *Stephen Blackstone*, and others, Elders and Deacons of the Presbyterian Churches of *Pelham*, and other places ; and the Petition of the Reverend *Abijah Blanchard*, and others, of the Districts of *Niagara*, *Gore* and *Wellington*.

By Mr. Moore, the Petition of *Barnard Young*, of the township of *Compton*.

By Mr. Parent, the Petitions of *Pierre Lacroix*, and *Joseph Bolduc* of *Quebec*.

By Mr. Foster, the Petition of *Hezekiah Robinson*, and others, of the Counties of *Chambly*, *Rouville*, *St. Hyacinthe*, and other places.

By Mr. Hale, the Petition of the Reverend C. P. Reed, and other members of the Church of *England*, in the township of *Compton*.

By the Honourable Mr. Neilson, the Petition of the Honourable George Pemberton, and others, Merchants of *Quebec*.

By Mr. Kimber, the Petition of certain Censitaires, in the Fiefs and Seigniories belonging to the late Order of Jesuits, within the town and District of *Three Rivers*.

By Mr. Cartwright, the Petition of *Simon Delong*, and others, Inhabitants of the township of *Ameliasburg*.

Pursuant to the order of the day, the following Petitions were read :

Of the Reverend the Religious Ladies of the Ursuline Convent of *Quebec*, complaining of a decision of the Executive Council of this Province, of the thirteenth December, 1841, and praying relief.

Of *Augustin Blackburne*, and other Inhabitants of the Parish of *St. Etienne de la Malbaie*, in the County of *Saguenay*, complaining that they have not received from Government the lands for their services as Militiamen, and praying relief.

Petitions read,
Ladies' Ursuline
Convent.

A. Blackburne,
and others.

T. McGahey,
and others.

Of *Thomas McGahey*, and others, interested in the lumber trade, praying for a law to regulate the duties of disinterested and responsible individuals, for measuring and culling the same.

DEBATES OF LEGISLATIVE ASSEMBLY

C. M. Hyndman.

Of *C. M. Hyndman*, of *Sherbrooke*, Keeper of the Court House, praying for an increase of salary.¹

W. Willson,
and others.

Of *Walter Willson*, and others, Inhabitants of the town of *Niagara*, praying for an Act to incorporate the said town.²

Midland District
Council.

Of the District Council of the *Midland* District, praying for certain amendments to the Municipal Council and School Acts.³

Ditto.

Of the Municipal Council of the *Midland* District, praying an aid to open roads through the several Districts between Lake *Ontario* and the River *Ottawa*.⁴

Ditto.

Of the Municipal Council of the *Midland* District, praying that the District macadamized roads be placed under the superintendence of the Board of Works.

Kingston Com-
mon Council.

Of the Mayor and Common Council of *Kingston*, praying for an Act enlarging the town of *Kingston*, and incorporating it under the title of "The City of *Kingston*".⁵

S. Jones and
others.

Of *Stephen Jones*, and others of the township of *Saltfleet*, praying to be reimbursed certain monies paid by them, as Commissioners under an Act of the Legislature of the late Province of *Upper Canada*.

K. C. Chandler,
and others.

Of *K. C. Chandler*, and others, Inhabitants of the Municipal District of *Nicolet*, praying that the District town be removed to a more central place.⁶

M. G. P. Pain-
chaud, and others.

Of Mrs. *M. G. P. Painchaud*, and other Ladies of *Quebec*, praying for an Act of incorporation.⁷

Ditto.

Of Mrs. *M. G. P. Painchaud*, and other Ladies of the City of *Quebec*, praying for an aid for a Female Orphan Asylum, under their control.⁸

C. P. Huot.

Of *C. P. Huot*, of the Parish of *St. Paul's Bay*, praying that a certain sum due to the Estate of the late *Louis Belair* by the Government, be reimbursed.

Do. and J. M.
Potvin.

Of *C. P. Huot* and *J. M. Potvin*, of the Parish of *La Baie St. Paul*, District of *Quebec*, praying that a certain sum of money be placed at their disposal, to enable them to liquidate certain debts incurred by them, as Commissioners under an Act of the Legislature of the late Province of *Lower Canada*.

M. P. DeSales
Laterriere,
and others.

Of the Honourable *M. P. DeSales Laterriere*, and others, Inhabitants of the County of *Saguenay*, praying for the redress of certain public grievances.⁹

Gaoler of
Quebec.

Of *James Maclarens*, of *Quebec*, Gaoler, praying for an increase of salary.¹⁰

F. Mimee,
Tipstaff, do.

Of *Frederick Mimee*, of *Quebec*, Tipstaff of the Court of King's Bench, praying to be indemnified for the loss of certain fees, in consequence of the establishment of District Courts in *Canada East*.¹¹

J. B. Landry,
Crier of King's
Bench, do.

Of *J. B. Landry*, of *Quebec*, Crier of the Court of King's Bench, praying to be indemnified for the loss of certain fees, in consequence of the establishment of District Courts in *Canada East*.¹²

C. Turgeon.

Of *Charles Turgeon*, of *Quebec*, lumber merchant, praying for certain sums of money due to him by the Municipal Council of the District of *Quebec*.

Inhabitants,
Lotbiniere.

Of the Inhabitants of the County of *Lotbiniere*, praying for the repeal of all the Ordinances of the Special Council, imposing taxes; and more especially the Winter Vehicle, Registry Office, District, and

Township and Parish officers, Ordinances, and for amendments to the School, District and Division Court, and Union Acts.

Rev. T. Phillips.

Of the Reverend *Thomas Phillips*, of *Etobicoke*, in the *Home District*, praying that his salary as Chaplain to the Legislative Council of the late Province of *Upper Canada*, be continued to him during the remainder of his life.¹³

C. P. Treadwell.

Of *C. P. Treadwell*, of *L'Orignal*, Sheriff, praying for an Act to afford relief to Sheriffs in certain cases.

Ven. G. O. Stewart.

Of the Venerable *G. O. Stewart*, and other Inhabitants of the township of *Kingston*, praying that the limits of the town of *Kingston*, may not be extended so as to include Lot No. 24, in the said township.¹⁴

I. Bond, and others.

Of *Isaac Bond*, and others, Inhabitants of the township of *Loughborough*, and other places, praying to be set apart into a separate township.¹⁵

W. Kingsmill.

Of *W. Kingsmill*, Sheriff, and others, of the town of *Niagara*, praying that the Petition of the Municipal Council of said District, for the removal of the District town, be rejected.¹⁶

John C. Ball, and others.

Of *John C. Ball*, and others, of the township of *Niagara*, praying that the Petition of the Municipal Council of said District, for the removal of the District town, be rejected.

(21)

Inhabitants, Cote de la Vertu.

Of the Inhabitants of *Cote de la Vertu*, Parish of *St. Laurent*, District of *Montreal*, and neighbouring places, complaining of the heavy tolls on the turnpike road leading from *Cote des Neiges* to *Montreal*, and praying relief.¹⁷

D. D'Eschambault, and others.

Of *D. D'Eschambault*, and other Inhabitants of *Laprarie*, praying that the Corporation of the Common of the Parish of *Laprarie de la Magdelaine*, be authorized to convey to the *Fabrique* of the said Parish, certain lands for the purposes of Education.¹⁸

S. Brooks, and others.

Of *Samuel Brooks*, and others, Trustees of the *Sherbrooke Academy*, praying for the usual aid towards supporting the said Academy during the current year.¹⁹

Inhabitants, Tecumseth.

Of *W. H. Richardson*, and other Inhabitants, of the township of *Tecumseth*, praying the House not to pass a Bill to annex a part of the township of *West Gwillimbury* to the *Home District*.

Petitions referred : R. Brown, and others.

Resolved — That the Petition of *Richard Brown*, and others, of the County of *Haldimand*, presented to the House on the thirteenth instant, be referred to a Select Committee composed of Messieurs. *Thompson, Cameron, Roblin, Steele, and D. McDonald*, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise ; with power to send for persons, papers, and records.

Inhabitants, Cote de la Vertu.

Resolved — That the Petition of the Inhabitants of *Cote de la Vertu*, Parish of *St. Laurent*, District of *Montreal*, and neighbouring places, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed ; with power to send for persons, papers, and records.

Ordered — That Mr. *Delisle*, Mr. *Quesnel*, the Honourable Mr. *Viager*, the Honourable Mr. *Neilson*, and Mr. *Holmes*, do compose the said Committee.

N. A. Committee Colonial Soc'y.

Resolved — That the Petition of the *North American Committee* of the Colonial Society, presented to the House on the eight instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon from time to time ; with power to send for persons, papers, and records.

DEBATES OF LEGISLATIVE ASSEMBLY

Ordered — That Mr. *Merritt*, Mr. *Williams*, the Honourable Mr. *Hincks*, the Honourable Mr. *Neilson*, Mr. *Burnet*, the Honourable Mr. *Moffatt*, Mr. *Leslie*, Sir *Allan N. MacNab*, and the Honourable Mr. *Viger*, do compose the said Committee.

T. McGoey,
and others.

Niagara Dist.
Council.

House to attend
H. E. to-morrow
noon.

Report on
Petition of
Inhabitants of
Chambly.

Independence
Commons
House of Ass'y.

Act to be made
uniform.

Resolved — That the Petition of *Thomas McGoey*, and others interested in the lumber trade, be referred to a Select Committee composed of Messieurs. *Cameron*, *Papineau*, *Derbshire*, *Aylwin*, and *Burnet*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That the Petition of the Municipal Council of the Niagara District, praying that a Duty be imposed upon American Products introduced into the Province, be referred to the Special Committee to which was referred the Petition of the North American Committee of the Colonial Society.

The Honourable Messieurs. *Harrison* and *Hincks*, Members of the Executive Council, reported to the House, that the Governor-General, having been waited upon, pursuant to their order of Saturday last, humbly to know His Excellency's pleasure, when he will be attended by this House with its Address in answer to the Speech of His Excellency to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament, had been pleased to appoint to be attended, to-morrow at noon, at the Government House.

Mr. Neilson hoped lunch would be ready.²⁰

(21)

Mr. *Yule* from the Special Committee to which was referred the Petition of divers Proprietors, and Inhabitants, of the County of *Chambly*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth: —

"Your Committee after duly considering the prayer of the said Petition, are of opinion that it should be granted, and therefore recommend your Honourable House, to pass an Act to amend the Acts authorizing the establishment of Mutual Insurance Companies, in the Eastern section of this Province, so far as to enable the Mutual Insurance Company of the County of *Montreal* to insure for the said County of *Chambly*."

On motion of Sir *Allan N. MacNab*, seconded by Mr. *Cartwright*,

Resolved — That this House do now resolve itself into a Committee of the whole House, to consider the expediency of altering and amending an Act of the late Parliament of *Upper Canada*, intituled, "An Act better to secure the independence of the Commons House of Assembly of this Province, and for other purposes therein mentioned."

The House accordingly resolved itself into the said Committee, Mr. *L. M. Viger*, took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *L. M. Viger* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table and agreed to by the House, and is as followeth: —

Resolved — That the Act of the late Parliament of *Upper Canada*, intituled, "An Act better to secure the Independence of the Commons House of Assembly of this Province, and for other purposes therein mentioned" should be amended.

Ordered — That Sir *Allan N. MacNab* have leave to bring in a Bill to make the law for vacating the seats of Members of the Legislative Assembly accepting office, and for filling up vacancies in that body, uniform throughout this Province. — He accordingly presented the

said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

On motion of the Honourable Mr. *Harrison*, seconded by Mr. *Delisle*,

Ordered — That when this House doth adjourn, it will adjourn until to-morrow, at half-past eleven o'clock, a.m.

Mr. Moffatt²¹ moved for an humble address to His Excellency, for a copy of the letter sent to Mr. Lafontaine, relative to the late changes which took place in the cabinet, and for that gentleman's answer thereto.²²

Mr. Harrison suggested that the honourable member (Mr. Moffatt) move for a copy of the whole correspondence on the subject.²³

(21)

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Burnet*,

Correspondence,
L. H. Lafontaine.

Resolved — That an humble address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the letter addressed by His Excellency, on the thirteenth instant, to *L. H. Lafontaine*, Esquire, then a Member of this House, in reference to certain proposed changes in the Provincial Administration, and also a copy of all the correspondence on the subject.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

(22)

Standing
Committees.

The Honourable Mr. *Neilson* moved, seconded by the Honourable Mr. *Viger*, That a Committee of seven Members be appointed to prepare and Report with all convenient speed, Lists of Members of the House to compose Standing Committees.

First, of PRIVILEGES AND ELECTIONS.

Second, of GRIEVANCES.

Third, of COURTS OF JUSTICE.

Fourth, of PUBLIC ACCOUNTS.

Fifth, of EDUCATION AND SCHOOLS.

Sixth, of TRADE.

Seventh, of AGRICULTURE.

Eighth, of ROADS AND PUBLIC IMPROVEMENTS.

Ninth, on PUBLIC LANDS AND SEIGNIORIAL RIGHTS.

Tenth, of EXPIRING LAWS AND ENGRAVED BILLS.

Eleventh, of PRIVATE BILLS.

Twelfth, for HOSPITALS & CHARITABLE INSTITUTIONS :

which said Committees shall have power to Report to the House, from time to time, their observations and opinions upon the subjects and matters which shall be referred to them, severally, by this House, by Bill or otherwise, as belonging to that class of objects for which they are severally appointed ; with power to send for persons, papers, and records.²⁴

Dr. Dunlop fully concurred in the expediency of the measure²⁵.

This proposition was opposed by many of the Members, as tending to wrest from the hands of the Executive a power which had hitherto been vested in them, that of originating certain Bills.²⁶

Mr. Harrison expressed himself opposed to the appointment of Standing Committees. Under the System of Responsible Government now established in the country it became the duty of the members of the Executive to bring forward public measures and to bear the responsibility. He should be glad to be relieved from that responsibility, for no man liked responsibility, but it was not consistent with British practice or principles that that should

be taken by others.²⁷ Our Government is not like that where this method of Standing Committees is in use (the United States) : ours is a Monarchical, connected with a popular, not to say Republican, principle.²⁸ Where, then, committees existed, there was nothing easier than for the Council to throw the blame of all imperfection in the measures of the House upon them — but as he did not wish to shrink from the responsibility, he could not yield it to others.²⁹

Mr. Durand spoke against the appointment of standing Committees³⁰. ((He)) wished the Ministry held liable for their acts.³¹

Mr. Cartwright stated that the Hon. Member must have changed his opinion since last year, having voted with him in favour of this motion last session, and quoted report shewing the return of ayes and nays.³²

Mr. Hincks thought that he could vote for them last year, and against them now, with perfect consistency, as at that period he had no confidence in the Council of His Excellency ; and if he has that confidence he ought to show it by allowing the Administration to bring in its measures. He had but little confidence in them himself, but nevertheless he voted against standing committees. He consented that the Executive should have the privilege of bringing forward their own measures, most of which had occupied their attention during the recess, and that they ought not to be left to standing committees.³³

Mr. Price was also of opinion that they ought to introduce their own measures. He said that the hon. mem. had changed his mind. He has confidence now, whereas he had none before. He considered the hon. member for Kingston had given satisfactory reasons for opposing those committees, and he would oppose the motion of the hon. member for Quebec.³⁴

Mr. Boswell did not think it was a question of "confidence in the Ministry" ; they should however adhere to those great landmarks, the practice of the British House of Commons ; it was unwise to deviate from them.³⁵ He would support the opposition to the motion. He did not think that measures introduced by the committee could be supposed to be more perfect than those introduced by the responsible advisers of His Excellency, — it was a system of Legislation with which he could not agree. He did not think that any committee, sitting in a room, was the proper mode of introducing measures and carrying them through. Reference had been made to the School Bill, and it was intimated that it is incomplete, but was not this very bill under the consideration of a committee that sat upon it for a considerable time, and it affords an illustration of such legislation. He would prefer trusting to the Government of the country, with whom the responsibility ought to rest, and not with the Assembly, therefore he would vote against standing committees for the purpose of legislation though there were cases in which they might be allowed.³⁶

Mr. Moffatt thought these Standing Committees would be of great use ; the present Special Committees were very injudiciously chosen.³⁷

Several of the Members made remarks on the subject³⁸.

Sir A. MacNab, was not prepared to take all the blame of the School Bill upon the House. It was introduced by Mr. Day. The District Council Bill was introduced as a government measure — which was forced upon the Lower Canadians by a Special Council. Did not the hon. gentleman call for the whole bill and nothing but the bill, and carried it by a majority of one. The hon. gentleman ((Mr. Boswell)) says he has confidence in the government — he would have confidence in any one. He would be sorry to take their responsibility from them — he thought they would soon loose (sic) the places they held.³⁹

The School Bill having been brought into the discussion, **Mr. Simpson** made a defence of its character.⁴⁰

Sir Allan MacNab, in reply, stated, that it was a Government measure, and one of the worst Bills ever passed. The Ministry were determined to carry a School Bill to satisfy their constituents, and they submitted to every man's amendment to secure his vote.⁴¹

Mr. Neilson thought they did not understand each other. The motion did not interfere with the power of the hon. gentlemen, it merely was intended to report progress — put the House in possession of the measures, — and if they don't like it, they may reject it. He thought the hon. gentlemen were burdened with responsibility, but the members were responsible to the people.⁴²

Mr. Viger thought the measure should not be introduced yet⁴³.

(22)

The Honourable Mr. *Viger* moved, seconded by Mr. *Parent*, That the consideration of the said motion be postponed until this day fortnight.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative,

Ordered — Accordingly.

Bill for trial of
Impeachments.

Address,
Timber cut on
Crown Lands, in
Bonaventure.

Crown Lands
and Timber
Licenses, in
Gaspé.

Addresses of
congratulation.

Ordered — That the Honourable Mr. *Moffatt* have leave to bring in a Bill to establish a Court in this Province for the trial of Impeachments. — He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday next.

On motion of Mr. *Hamilton*, seconded by Mr. *Chesley*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House a detailed statement of the Licenses granted and Timber cut on the Crown Lands in the County of Bonaventure, from the year 1835 to the year 1842, both years inclusive, by Robert Ferguson, Arthur Ritchie and Company, Peter and John Adams, William Hamilton, Hugh and John Montgomery, Peter and Donald Stewart, Peter Sutherland, William Cuthbert and Company, Ralph Pritchard, James McCraken, John McDougal, William Carter, William MacPherson, and all others employed in Lumbering in the County of Bonaventure; also of the monies collected, during the same period, by the Land Agent for the District of Gaspé.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Hamilton*, seconded by Mr. *Chesley*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a detailed statement of the monies received by the Crown Land Agent in Gaspé, in the years 1835, 1836, 1837, 1838, 1839, 1840, 1841 and 1842, on the sales of Crown Lands and Timber Licenses, and the amounts remitted during the said period, shewing what balance, if any, is now due unto the Crown Land Office by the said Agent.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Burnet*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, informing His Excellency, that this House hath voted an humble Address of congratulation to Her Majesty, on the birth of the Prince of Wales; and also an humble Address to Her Majesty, on her escape from the danger to which she has been exposed by the treasonable attempt of a wreckless and wicked assassin; and praying that His Excellency would be pleased to transmit the said Addresses to Her Majesty's Government in England, to be laid at the foot of the Throne.

Resolved — That an humble Address be presented to His Excellency, the Governor-General, informing His Excellency, that this House hath voted an Address of congratulation to His Royal Highness Prince *Albert*, of Saxe Cobourg and Gotha, on the birth of the Prince of Wales, and praying that His Excellency would be pleased to transmit the said Address to Her Majesty's Government in England, to be presented to His Royal Highness.

Ordered — That the said Addresses be engrossed.

Resolved — That the said Addresses be presented to His Excellency, the Governor General, by the whole House.

DEBATES OF LEGISLATIVE ASSEMBLY

Ordered — That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor General, to know His Excellency's pleasure, when he will be attended by this House with its Addresses.

On motion of Mr. *Hamilton*, seconded by Mr. *Chesley*,

Judicature,
Gaspé.

Resolved — That this House will, on to-morrow, Tuesday, resolve itself into a Committee of the whole House, to take into consideration the expediency of altering and amending the Judicature Acts, relating to the District of *Gaspé*.

Returns from
Fee fund, and
Fees paid
to District
Judges.

On motion of Mr. *Durand*, seconded by Mr. *Harmannus Smith*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of all returns of monies received within the several Districts of that part of this Province formerly *Upper Canada*, created, and raised as a Fee fund, by virtue of certain Acts of the last Session of the Present Parliament; also the amount of the Fees paid, or liable to be paid, to the several District Judges, and Clerks of the Division and District Courts thereof.

Mr. Johnston said the fees of the Clerks of Division Courts (which, at the suggestion of an Honorable Member, were to be inquired into) were taxable fees; if large, they pocketed them, and if small, they had less reason to be thankful.⁴⁴

(22)

Ordered — that the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Pot and Pearl
Ashes.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Yule*,

Resolved — That this House do now resolve itself into a Committee of the whole House, to take into consideration the expediency of amending the Law in relation to the Inspection of Pot and Pearl Ashes, in this Province, in conformity with the Resolutions in reference to this matter, adopted by this House in the last Session of the Provincial Parliament; and to confer on the Mayors of cities and

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towns, and the Wardens or Chief Municipal Officers, in other places where Inspectors of Pot and Pearl Ashes may be required, the authority to appoint such Inspectors.

The House accordingly, resolved itself into the said Committee,

Mr. *Taschereau* took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Taschereau* reported that the Committee had come to a resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient to amend the Law relative to the Inspection of Pot and Pearl Ashes, in conformity with the Resolutions in reference to this matter, adopted by this House in the last Session of the Provincial Parliament; and to confer on the Mayors of cities and towns, and the Wardens or Chief Municipal Officers, in other places, where Inspectors of Pot and Pearl Ashes may be required, respectively, the authority to appoint such Inspectors.

The Honourable Mr. *Moffatt* moved, seconded by Mr. *Child*, That the said Resolution be referred to a Select Committee, composed of Messieurs *Neilson*, *Burnet*, *Leslie* and *Dunscomb* to report thereon, by Bill, in conformity therewith.⁴⁵

Mr. Johnston objected to such a selection, as they were all gentlemen connected with the Trade. The rich man in the trade cheated the poor man.⁴⁶

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The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

Resolved — Accordingly.

Leave of absence
to Mr. Thorburn.

Niagara
Election.

Address, for
Estimate for
connection of
Lakes St.
François and
St. Louis.

Ordered — That Mr. Thorburn have leave to absent himself from this House for one fortnight, on urgent business.

Ordered — That Mr. Thorburn, Member for the South Riding of the county of *Lincoln*, be excused from serving on the Committee appointed to try the contested Elections for the town of *Niagara*, during the remainder of the sittings of the said Committee.

On motion of Mr. Simpson, seconded by Mr. Thompson,

Resolved — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, the Estimate made by Mr. Keefer of £255,000, alluded to in the late Lord Sydenham's Message of last Session, (in a memorandum of the Chairman of the Board of Works,) with any Plans, Surveys, Reports or Estimates, relating to the connection of Lakes St. François and St. Louis, by means of a Canal, with a copy of such parts of any despatch or despatches, from the Colonial Secretary, referring to the same subject.⁴⁷

Mr. Harrison thought a committee would be the best to appoint, to whom all papers should be sent.⁴⁸

Sir Allan MacNab said, until papers were produced, there was nothing to go before a committee. In London, in Montreal, and everywhere, he had heard of an improper line having been selected. It was a most important matter. A large sum of money might be expended improperly. He believed the President of the Board of Works to be a good and a clever man, but he might be mistaken on the present occasion. This House required the fullest information, and the works should not be suffered to proceed until that information was afforded.⁴⁹

Mr. Johnston was of opinion, that making a canal on the south side of the river was making a canal for the Yankees.⁵⁰

Mr. Parke said, the house last year had authorized the immediate prosecution of the works; emigrants had been sent out from home to begin the canal, of whom 1500 were now at work, and because the Government had carried out the desire of the house, members were grumbling and calling for delay. A very few individuals were opposed to the line selected by the Board of Works, and were the President now in his place, he would sweep away the objections raised against it like chaff before the wind. There was no grumbling about the works commenced about Hamilton and other places. The Board of Works was responsible for all its actions.⁵¹

Mr. Cartwright, of his own accord, would never have consented that the Canal should be made on the south side. He had read the letter of Mr. Killaly, and that letter had made its due impression.⁵²

(23)

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

((Remarks were made)) that the opposition to the progress of the canal on the route indicated by the Board of Works was of an interested nature.⁵³

Mr. Simpson said he had been actuated solely by a sense of public duty. He had made no charge against the Board of Works; his object was to get the estimates and other papers connected therewith, for the information of the House; until those were obtained he had nothing to lay before the committee. He had been opposed, and was still opposed to the canal. It was only digging a hole in two counties which never would be used. It was not

likely that vessels would leave the free passage of the river to enter a muddy canal, and be also subjected to the high toll which must necessarily be imposed. He would move for a nautical survey, by officers of Her Majesty's Navy, for the purpose of ascertaining the practicability of entering the canal at its western mouth.⁵⁴

Mr. Harrison considered such a motion as a direct attack on the Board of Works.⁵⁵

Sir Allan MacNab thought that a survey was imperatively called for — the cost was nothing compared to what might be squandered by the board, if the location was bad.⁵⁶

Mr. Small was of opinion, that the motion should be laid upon the table, it was more than probable that such a survey had been already made.⁵⁷

Mr. Merritt said that hon. members professed not to censure the Board of Works, but he would ask if the course proposed was not tantamount to it? He had always been in favor of the north side, but he was convinced that the hon. President of the Board of Works had not decided on the route adopted, without the most mature deliberation. He thought the best course would be to refer the matter to a committee.⁵⁸

Mr. Dunscomb also opposed the motion.⁵⁹

Mr. Chesley said he had been early impressed with opinions in favour of making the canal on the south side; but in conjunction with Mr. McLean, he had made a personal inspection of the proposed mouth of the canal, and they had arrived at the conclusion, that the channel to it was highly dangerous, if not wholly impracticable.⁶⁰ ((This was due to)) the prevalence of a heavy surf, a winding current, the exposure to the winds, and the presence of shoals⁶¹. The channel was only 90 feet wide, full of dangerous rock, and had only 8½ feet water.⁶² He could not see how it was possible that Mr. Killaly could have drawn up the report which he had seen; if he was not mistaken, the width which he gives to the three channels which he has assumed to exist, is greater than that of the whole river! He had also spoken of two rocks, but he did not know how he could single out two where they were innumerable.⁶³ He considered himself an impartial man. There was a shade of suspicion on the Board of Works, which he was sorry to see. Mr. Killaly was not justifiable in making a canal where the entrance was dangerous, if not impracticable.⁶⁴ He had visited it a second time, and saw Mr. Keefer taking soundings, this, he thought, should have been done previous to the opening of the Canal.⁶⁵

Mr. Cameron thought there was no harm in producing documents asked for, and referring them to a committee. Much had been said and thrown out by those interested, on the line of the canal, against the course which had been adopted, and he thought the best way was to refer the matter to a committee, who would have full information regarding it. There would, in all cases of the prosecution of public works, be some fault found with them; no line of road could be laid out, no work whatever undertaken without opposition. He had made inquiry for the purpose of satisfying himself relative to this canal, but he had received no information which he would feel warranted in laying before the House.⁶⁶ Others had made the same inspection as Messrs. Chesley and McLean, but had not arrived at the same opinion.⁶⁷

Mr. Cartwright considered it a most important matter, — £700,000 were about to be wrongfully expended, and he was told that the Board of Works was responsible. But what becomes of its responsibility or the responsibility of the ministry when the money was gone. He had seen too many of these things not to feel alarmed. The works should be immediately stopped, until an investigation was made into all the matters connected with the canal.⁶⁸

Mr. Parke considered these attacks upon the President in his absence as highly unparliamentary.⁶⁹

Dr. Dunlop proposed that three members of the House should proceed to the spot, and examine and report thereon. It was a mere common sense matter, and required no peculiar ingenuity. The canal was being cut; and the work involved the expenditure of half a million of money, and it was therefore not improper that some inquiry should be had into the allegations made before the House. If three persons were to go, take a boat, with an iron rod, and the engineer were to steer the boat and show to three individuals a perfect channel of not less than 8½ feet water, the question is settled at once.⁷⁰

Mr. Viger would ask when the plans and estimates, &c., could be procured, until which time it would be well to postpone the consideration of the survey.⁷¹

Mr. Harrison said, that if the mover would withdraw his motion, he would endeavour to have by to-morrow some of the papers previously moved for on the table, when the proposed committee should be selected, to whom also all matters connected with the canals should be referred. He promised the fullest investigation.⁷²

Mr. Simpson had no objection to a Committee of inquiry, and if he could get one, with the understanding that the papers asked for would be laid before that Committee, he would withdraw his motion.⁷³ ((He accordingly)) withdrew his motion⁷⁴.

(23)

Debtors'
Detention.

Ordered — That Mr. *Thompson* have leave to bring in a Bill to provide for the detention, and conveyance to Gaol, of Debtors, in certain cases, within *Canada West*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time on Friday next.

Departments
of the House.

Resolved — That a Special Committee be appointed to inquire into the present state of the Offices and Departments of this House, with a view of ascertaining, if any, and what, vacancies have occurred by resignation, or otherwise, since last Session, and the necessity of filling such vacancy, if any there be; and that the said Committee have power to report from time to time, and to send for persons, papers and records.

Ordered — That Mr. *Taschereau*, Mr. *Aylwin*, Mr. *Leslie*, Mr. *Parent* and Mr. *Simpson*, do compose the said Committee.

Petition of
N. Sparks.

On motion of Mr. *Simpson*, seconded by the Honourable Mr. *Jones*,
Ordered — That one Member be added to the Special Committee to whom was referred the Petition of *Nicholas Sparks*, of *Bytown*, in consequence of the absence (on leave) of Mr. *Walker*, a member of the said Committee.

Ordered — That Mr. *Aylwin* be added to the said Committee.

Petition of
Inhabitants of
Chamby.

On motion of Mr. *Yule*, seconded by Mr. *Burnet*,

Ordered — That the Report of the Special Committee to which was referred the Petition of divers Proprietors and Inhabitants of the County of *Chamby*, be referred to a Committee of the whole House, on Wednesday next.

Mr. *Chesley* moved, seconded by Mr. *Watts*,

That the House do now adjourn.

The question having been put upon the said motion, a division ensued, and the names, being called for, they were taken down, as followeth :

YEAS.

Aylwin, Black, Burnet, Cartwright, Chesley, Child, Crane, DeWitt, Dunlop, Forbes, Foster, Hamilton, Jones, Kimber, Sir Allan N. Mac-Nab, D. McDonald, Merritt, Moffatt, Morris, Neilson, Noel, Powell, Harmannus Smith, Steele, Thompson, Watts, and Williams. (27.)

NAYS.

Armstrong, Barthe, Berthelot, Boswell, Boutillier, Delisle, Derbyshire, Dunscomb, Durand, Hincks, Holmes, Johnston, Leslie, Moore, Papineau, Parent, Parke, Price, Quesnel, Roblin, Simpson, Small, Henry Smith, Tache, Taschereau, Turcotte, Turgeon, D. B. Viger, L. M. Viger, and Yule. (30.)

So it passed in the negative.

Address to His
Excellency, on
changes in
Executive
Council.

Mr. *Dunscomb* moved, seconded by Mr. *Simpson*,

That an humble Address be presented to His Excellency, the Governor General, stating that this House takes the earliest occasion of expressing to His Excellency, as the Representative of our most Gracious Sovereign, the entire and cordial satisfaction with which this House has heard the announcement, of the changes which His Excel-

lency has been pleased to effect in the construction of His Executive Council ; and this House is persuaded that, in order to place the Government of this Province upon a firm and permanent basis, it was absolutely necessary to invite that large portion of our fellow subjects who are of French origin, to share in the Government of this country, and, thereby to carry into effect the wise and just designs of the Imperial authority ; and this House hails this event, as being calculated to heal the unhappy dissensions by which *Canada* has been prevented from advancing in a career of prosperity commensurate with the advantages which Providence has placed at our disposal, and offers to His Excellency its heartfelt thanks, for having, by His wisdom and firmness, opened so bright a prospect to the now contended and loyal people over whom His Excellency is called upon to rule.⁷⁶

Dr. Dunlop never heard a more unwise or ill-timed resolution. Its tendency was to rip up all which should be buried in the oblivion ; to open the wounds which should be healed.⁷⁷ Whatever trouble should arise, he would pray it might fall on the mover's head.⁷⁸ They were called upon to thank His Excellency for the recent change in the Council ; the former was bad enough, but had been made worse ; were they to thank him for that ? He hoped those gentlemen had seen the error of their ways, and would act differently from what they had done ; if they would there was no one on the floor of that house who would give them a more cordial support, — till they had the evidence of such a conviction, however it would be better to remain silent. Once for all, he would declare that throughout (sic) Upper Canada there was but one feeling relative to the admission of their brethren of French origin into the councils of the country — and that was in favour of it — but that was not the point he would touch or object to, but the selection which had been made.⁷⁹

Mr. Johnston hoped the measure would be withdrawn ; he could see no other result than defeat to the measure, and bickering and disturbance in the house.⁸⁰ Its evident tendency was to produce confusion.⁸⁰

Sir Allan MacNab complained that the Hon. gentleman from Beauharnois had taken the house by surprise in introducing one resolution instead of the three of which that hon. gentleman had given notice. In his opinion it was using the house unfairly, and he would put it to the hon. members if such was not the case. He had intended to vote for one of the resolutions of that hon. gentleman but he could not vote for the one now before the House. — Of the former resolutions, the first approved of the recent changes in the Council — of that he could not approve ; but of the second, which expressed gratification with the invitation of the gentlemen from Lower Canada into a participation in the Government, he entirely concurred. He thought it most unfair — it seemed to be a trick — putting the resolutions all into one, to oblige hon. members either to vote for it or reject the whole. He would leave it to hon. members, if they had been treated fairly.⁸¹

Mr. Parke entirely approved of the resolution, and believed it would be supported by a large majority in the house.⁸²

Mr. Durand rose with a degree of honest pride and satisfaction (laughter) to give his consent to the resolution — They would now form an impenetrable phalanx, (laughter) and sweep down all opposition. His Excellency's good sense had dictated the course which he had pursued, and he was entitled to the thanks of the country.⁸³

Mr. Simpson, ((and)) Mr. Hincks ... supported the resolution⁸⁴.

Mr. Aylwin supported the resolution ... ((and made)) some severe remarks upon Dr. Dunlop⁸⁵.

Doctor ((Dunlop)), in reply, characterized ((Aylwin's remarks)) as the most positive rank, unbaptised balderdash he had ever heard, and emphatically denied having any — the slightest feeling of prejudice or ill-will against the hon. gentlemen from Lower Canada. But as to the selection which had been made, he honestly believed that both Mr. Lafontaine and Mr. Baldwin were disaffected to the Government.⁸⁶

Sir Allan MacNab said that the hon. gentleman from Port Neuf had last session opposed in the strongest language the hon. gentlemen on the treasury benches, and he had done so too at the commencement of this session. — Now he was willing to place in them the most

unbounded confidence. What was the reason of the change? Were not the hon. members for Megantic, Kingston, and Oxford still in the Cabinet? The hon. gentleman who introduced the resolution, was he in the confidence of the people of Lower Canada? — The votes of the last session would tell. He had first introduced three resolutions: was it fair to give notice of them, and now to submit one?⁸⁷

Mr. Dunscomb maintained that it was the same, and wished to know where Sir Allan MacNab could point out the difference.⁸⁸

((Sir Allan MacNab)) did not know exactly what this one resolution contained — he had only heard it read by the hon. gentleman⁸⁹.

(23)

Sir Allan N. MacNab moved, seconded by Mr. Cartwright,
That the said motion be referred to a Committee of the whole
House, on Monday next.⁹⁰

Sir Allan MacNab did not want a lecture from Mr. Dunscombe. Had the three resolutions been brought forward, there was a part which he would have supported, and opposed the rest; but he considered that this was a plan to get honourable members to take things by wholesale.⁹¹

Mr. Parke saw nothing in the resolution but what he approved of. Sir Allan McNab said it was different from the notice that had been given, but he could see no difference. Such a resolution would have the effect of strengthening the Government and cheering the Governor in the work he had so nobly begun.⁹²

Mr. Simpson seconded the resolution⁹³, and thought it a very proper and fit method of conveying the thanks and satisfaction of the House to His Excellency. He had followed the example of the illustrious Duke of Wellington, in conceding power to the people, and he trusted the vote in favour of the resolution would be unanimous.⁹⁴ ((He)) said the only way to interest a people was to make them partakers in the Government. The doors were now opened which have been kept closed so long, and equal rights and privileges were now extended to every class, and he hoped it would be followed up by this resolution. The first great concession had been made; from this moment every acre of land would become worth four times its present value; the march of principle was advancing upon them, and it could be no more arrested than could the overruling power that directs all things.⁹⁵

Mr. Holmes would vote cordially for the original motion — he would do more — he was ready to vote confidence in men whom he was glad to see in stations which he hoped the gallant Knight (Sir Allan Macnab) and his friends would never attain. He, Mr. Holmes, had taken his seat in Parliament with prejudice for his guide — the veil had since fallen from his eyes, and he was ready to act cordially with gentlemen of French origin.⁹⁶ He had found them liberal, and returned home with far different feelings. He rejoiced at the enunciation of these measures.⁹⁷

Mr. Moffatt, although he had no time to examine the resolution, he thought it implied a censure of the late Administration. The late Governor General (Lord Sydenham) would have been as willing to call the French Canadians to his councils, if they would have co-operated with him — they opposed the Union, which he was pledged to carry out. He thought this a fitting time to ask the Present Ministry two questions, which, if they expected his vote of confidence, they must answer in a satisfactory manner: First, Whether they were prepared to support the Union Bill, as passed by the Imperial Parliament? Second, To maintain the Civil List as it at present stands?⁹⁸

Mr. Hincks wished to state that until the notice was laid upon the table he was ignorant of such a resolution being brought forward; he considered a resolution coming from such a quarter calculated to make a great impression, particularly when the press teemed with articles hinting at a repeal of the Union; those papers would be sent to England by the next steamer, and he wished that the public should know what is going on. He did not hesitate to state his readiness to retire whenever the country called upon him to do so. He had not the slightest desire to remain in his present position whenever the house would decide otherwise; he would not hesitate to leave his place.⁹⁹ Mr. Hincks said that he, individually, had never pledged himself to support the Union Act, as it was passed — and he was opposed to the Civil List, unless voted by the Assembly, and not by the Imperial Parliament.¹⁰⁰

Mr. Moffatt. Then we are to understand that the Union is yet an open question, and now that its opponents are in power, they will do their utmost to repeal, or by amending, annul its principal provisions.¹⁰¹

Mr. Boswell had every confidence in the integrity, intelligence and loyalty of the honourable gentlemen from Lower Canada, and had no doubt of their sincere desire to maintain the connection between this Colony and the Mother Country. He regretted last session that he was obliged to differ with the honourable member for Hastings on many important measures, and generally as to his course during the last session, yet he had, as he had always expressed, the fullest confidence in that honourable gentleman's views.¹⁰²

Mr. Cartwright expressed the same sentiments with Sir Allan Macnab, made an attack on the Ministry, and stated there had been "suspicions as to Mr. Hincks"¹⁰³.

Upon this **Mr. Hincks** called him to order¹⁰⁴.

And the Speaker ((**Mr. Cuvillier**)) requested him to retract¹⁰⁵

((**Mr. Cartwright**)) ... refused to do so.¹⁰⁶

This created a dreadful confusion, cries of "order," "hear," "chair," &c., were heard¹⁰⁷.

The galleries were ordered to be cleared.¹⁰⁸

(23)

Mr. *Henry Smith* moved, seconded by Mr. *Chesley*, That the House do now adjourn. The question having been put upon the said motion, a division ensued, and it passed in the negative. The question then being put upon the motion made by Sir *Allan*

(24)

N. MacNab, a division ensued thereon, and the names being called for, they were taken down, as followeth :

YEAS.

Burnet, Cartwright, Chesley, Dunlop, Forbes, Foster, Hale, Johnston, Sir Allan N. MacNab, Moffatt, Moore, Henry Smith, Watts, and Woods. (15.)

NAYS.

Armstrong, Aylwin, Barthe, Berthelot, Black, Boswell, Boutillier, Cameron, Child, Crane, Delisle, Derbeshire, DeWitt, Dunscomb, Durand, Gilchrist, Hamilton, Hincks, Holmes, Kimber, Leslie, D. McDonald, Merritt, Morris, Neilson, Noel, Papineau, Parent, Parke, Powell, Price, Quesnel, Roblin, Simpson, Small, Harmannus Smith, Steele, Tache, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, and L. M. Viger. (44.)

So it passed in the negative.

Sir *Allan N. MacNab* moved, in amendment to the main motion, seconded by Mr. *Cartwright*, That all the words after "That" in the said motion be struck out, and the following substituted, "this House is persuaded, that in order to place the Government of this Province upon a firm and permanent basis, it is necessary and proper to invite that large portion of our fellow subjects, who are of French origin, to share in the Government of their Country, and thereby to carry into effect, the wise and just designs of the Imperial authority".

The question having been put upon the motion of amendment a division ensued, and the names being called for, they were taken down as followeth :

YEAS.

Black, Burnet, Cartwright, Chesley, Dunlop, Forbes, Foster, Hale, Johnston, Sir Allan N. MacNab, Moffatt, Moore, Henry Smith, Watts, Woods, and Yule. (16.)

NAYS.

Armstrong, Aylwin, Barthe, Berthelot, Boswell, Boutillier, Cameron, Child, Crane, Delisle, Derbeshire, DeWitt, Dunscomb, Durand, Gil-

christ, Hamilton, Hincks, Holmes, Kimber, Leslie, D. McDonald, Merritt, Morris, Neilson, Noel, Papineau, Parent, Parke, Powell, Price, Quesnel, Roblin, Simpson, Small, Harmannus Smith, Steele, Tache, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, L. M. Viger, and Williams. (44.)

So it passed in the negative.

Mr. Morris then moved, in amendment to the main motion, seconded by Mr. Merritt, that all the words after "That" in the said motion, be struck out, and the following substituted "An humble Address be presented to His Excellency, the Governor-General, representing that this House takes the earliest occasion of expressing to His Excellency, as the Representative of our most Gracious Sovereign, its unmixed satisfaction, that in order to place the Government of this Province upon a firm and permanent basis, His Excellency has invited that large portion of our fellow subjects who are of French origin to share in the Government of the Country, and thereby to carry into effect the wise and just designs of the Imperial authority; and this House hails the event as one calculated to heal the unhappy dissensions by which Canada has been prevented from advancing in a career of prosperity commensurate with the advantages which Providence has placed at our disposal, and offers to His Excellency its heartfelt thanks for having by his wisdom and firmness, opened so bright a prospect to the contented and loyal people over whom His Excellency is called upon to rule."

The question having been put upon the said motion, a division ensued, and the names being called for, were taken down as followeth : —

YEAS.

Armstrong, Aylwin, Barthe, Berthelot, Black, Boswell, Boutillier, Burnet, Cameron, Chesley, Child, Crane, Delisle, Derbyshire, DeWitt, Dunlop, Dunscomb, Durand, Forbes, Foster, Gilchrist, Hale, Hamilton, Hincks, Holmes, Kimber, Leslie, D. McDonald, Merritt, Moore, Morris, Noel, Papineau, Parent, Parke, Powell, Price, Quesnel, Roblin, Simpson, Small, Henry Smith, Harmannus Smith, Steele, Tache, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, L. M. Viger, Watts, Williams, Woods, and Yule. (55.)

NAYS.

(5.) *Cartwright, Johnston, Sir Allan N. MacNab, Moffatt, and Neilson.*

So it was carried in the affirmative.

The question being put upon the main motion, as amended, the House divided thereon, and the names being called for, they were taken down, as in the last preceding division ; and,

Resolved — Accordingly.

Ordered — That the said Address be engrossed.

Resolved — That the said Address be presented to His Excellency by the whole House.¹⁰⁰

At which proposition the gentlemen in the minority took up their hats and walked out¹¹⁰.

(24)

Ordered — That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor-General, to know His Excellency's pleasure when he will be attended by this House with their Address.

The order of the day for the House in Committee, to consider the expediency of repealing certain parts of an Act of the last Session, imposing Duties on Salt, Nets, and other Fishing Tackle, being read.

Ordered — That said order of the day be postponed until to-morrow, and that it be then the first order of the day.

Then on motion of Mr. Hamilton, seconded by Mr. Parent,
The House adjourned.

Appendix, 19 September 1842.

((Notice of Proposed Motions.))

Mr. Delisle¹¹¹ gave notice that on Wednesday he would move to bring in a bill to prevent practising Attorneys from acting as ((Justices of the Peace))¹¹².

Mr. Hamilton¹¹³ moved for leave to bring in a bill to regulate the Salmon Fisheries in the District of Gaspé.¹¹⁴

Mr. Neilson¹¹⁵ gave notice that on Wednesday he would move for certain returns of amount of Licences on the cutting of timber on Crown Lands¹¹⁶.

Mr. Neilson gave notice that on Wednesday he would ... move for the reading of the entries on the Journals of the house on the subject of those Duties in the year 1841, — and the reading of the petition of the Corporation of Quebec relative thereto.¹¹⁷

Captain Moore¹¹⁸ gave notice that he would move on an early day for inquiry on the road lately made at Point Levi.¹¹⁹

Sir Allan MacNab, ((a donné avis)) d'un Bill pour assimuler (sic) la loi du Haut-Canada relative aux membres qui acceptent des emplois ou deviennent comptables de deniers publics, à la loi du Bas-Canada relative au même sujet.¹²⁰

((Withdrawn Motion Re : Macadamized Roads.))¹²¹

Mr. Durand gave notice of a motion on the macadamized roads of the Province.¹²²

Mr. Harrison assured the house that the Government had a measure of the kind in preparation.¹²³

The motion was withdrawn ((by **Mr. Durand**)).¹²⁴

((Rejected Motion Re : Amending Certain Rules of the House.))¹²⁵

Mr. Hale moved for committee to inquire into and consider the propriety of amending certain rules of the House.¹²⁶

The Speaker ((**Mr. Cuvillier**)) said this question had been brought up before, this session, and negatived, and could not be again entertained during the present session.¹²⁷

Mr. Hale alluded to the manner of naming committees at present followed by the House and said it was really absurd to allow such a rule of the House to exist.¹²⁸

The Speaker ((**Mr. Cuvillier**)) said the objection of the Chair amounted to this, that if this was pressed, the House would be entertaining on one day what it rejected on another.¹²⁹

((**Mr. Hale** withdrew his motion.))¹³⁰

((Withdrawn Motion Re : J.J. Girouard's Capture during Rebellions.))¹³¹

Mr. Johnston moved for an humble address to His Excellency, praying that he would cause to be laid before the House all papers relating to the payment of the sum of £300 for the apprehension of Mr. Girouard as a traitor.¹³²

As this motion was not seconded, it was withdrawn ((by **Mr. Johnston**)) under much laughter.¹³³

((Withdrawn Motion Re : Providing for Upper Canadian Catholic Clergy.))¹³⁴

Dr. Dunlop — ((moved a)) Bill to provide for the Catholic Clergy in Canada West.¹³⁵

Mr. Viger said it was a money Bill, and should originate with the Ministry.¹³⁶

Dr. Dunlop — It is said that this is a money Bill. Now the idea contained in this Bill, is to set apart land for their provision. Archdeacon Strachan, when before the British House of Commons, stated that land was "the circulating medium of Upper Canada;" rather a heavy circulating medium, and would be found extremely inconvenient in buying tea, sugar, or hob nails. However, he bowed to the gentleman's opinion.¹³⁷

Footnotes — 19 September 1842.

1. Presented by Mr. Moore, according to MONTREAL GAZETTE, 22 September 1842.
2. Presented by Mr. Thompson, according to MONTREAL GAZETTE, 22 September 1842.
3. Presented by Mr. Harrison, according to MONTREAL GAZETTE, 22 September 1842.
4. Presented by Mr. Harrison, according to MONTREAL GAZETTE, 22 September 1842.
5. Presented by Mr. Harrison, according to MONTREAL GAZETTE, 22 September 1842.
6. Presented by Mr. L.M. Viger, according to MONTREAL GAZETTE, 22 September 1842.
7. Presented by Mr. Parent, according to MONTREAL GAZETTE, 22 September 1842.
8. Presented by Mr. Parent, according to MONTREAL GAZETTE, 22 September 1842.
9. Presented by Mr. Parent, according to MONTREAL GAZETTE, 22 September 1842.
10. Presented by Mr. Black, according to MONTREAL GAZETTE, 22 September 1842.
11. Presented by Mr. Black, according to MONTREAL GAZETTE, 22 September 1842.
12. Presented by Mr. Black, according to MONTREAL GAZETTE, 22 September 1842.
13. Presented by Mr. Cartwright, according to MONTREAL GAZETTE, 22 September 1842.
14. Presented by Mr. Smith, according to MONTREAL GAZETTE, 22 September 1842.
15. Presented by Mr. Smith, according to MONTREAL GAZETTE, 22 September 1842.
16. Presented by Mr. Draper, according to MONTREAL GAZETTE, 22 September 1842.
17. Presented by Mr. Delisle, according to MONTREAL GAZETTE, 22 September 1842.
18. Presented by Mr. Delisle, according to MONTREAL GAZETTE, 22 September 1842.
19. Presented by Mr. Hale, according to MONTREAL GAZETTE, 22 September 1842.
20. MONTREAL GAZETTE, 22 September 1842.
21. The following comments were reported by : BRITISH COLONIST, 21 September 1842; LA MINEERVE, 23 September 1842; MONTREAL GAZETTE, 22 September 1842; and KINGSTON CHRONICLE, 21 September 1842.
22. BRITISH COLONIST, 21 September 1842.
23. IBID.
24. This debate was reported by : EXAMINER, 28 September 1842; MONTREAL GAZETTE, 22 September 1842; KINGSTON CHRONICLE, 21 September 1842; and BRITISH COLONIST, 21 September 1842.
25. EXAMINER, 28 September 1842.
26. MONTREAL GAZETTE, 22 September 1842.
27. KINGSTON CHRONICLE, 21 September 1842.
28. MONTREAL GAZETTE, 22 September 1842.
29. KINGSTON CHRONICLE, 21 September 1842.
30. IBID.
31. MONTREAL GAZETTE, 22 September 1842.
32. IBID.
33. KINGSTON CHRONICLE, 21 September 1842.
34. IBID.
35. MONTREAL GAZETTE, 22 September 1842.
36. KINGSTON CHRONICLE, 21 September 1842.
37. MONTREAL GAZETTE, 22 September 1842.
38. IBID.
39. KINGSTON CHRONICLE, 21 September 1842.
40. MONTREAL GAZETTE, 22 September 1842.
41. IBID.
42. KINGSTON CHRONICLE, 21 September 1842.
43. MONTREAL GAZETTE, 22 September 1842.
44. IBID.
45. The remarks made on this motion were reported by : EXAMINER, 28 September 1842; KINGSTON CHRONICLE, 21 September 1842; and BRITISH COLONIST, 28 September 1842.
46. EXAMINER, 28 September 1842.
47. The debate on this matter was reported by : MONTREAL GAZETTE, 22 September 1842; BRITISH COLONIST, 28 September 1842; in identical accounts in KINGSTON CHRONICLE, 21 September 1842, and EXAMINER, 28 September 1842. The accounts in these latter two papers and the BRITISH COLONIST are very similar, often being identically worded.
48. BRITISH COLONIST, 28 September 1842.
49. IBID.
50. IBID.
51. IBID. The EXAMINER, 28 September 1842, noted that "Mr. Parke rose and spoke in an angry manner."
52. IBID.
53. KINGSTON CHRONICLE, 21 September 1842.
54. IBID.
55. BRITISH COLONIST, 28 September 1842.
56. IBID.
57. IBID.
58. KINGSTON CHRONICLE, 21 September 1842.
59. BRITISH COLONIST, 28 September 1842.
60. IBID.
61. KINGSTON CHRONICLE, 21 September 1842.
62. BRITISH COLONIST, 28 September 1842.
63. KINGSTON CHRONICLE, 21 September 1842.
64. BRITISH COLONIST, 28 September 1842.
65. MONTREAL GAZETTE, 22 September 1842.
66. KINGSTON CHRONICLE, 21 September 1842.
67. BRITISH COLONIST, 28 September 1842.
68. IBID.
69. IBID.
70. KINGSTON CHRONICLE, 21 September 1842.

71. MONTREAL GAZETTE, 22 September 1842.
 72. BRITISH COLONIST, 28 September 1842.
 73. KINGSTON CHRONICLE, 21 September 1842.
 74. EXAMINER, 28 September 1842.
 75. The debate on this motion was reported by : LE CANADIEN, 26 September 1842 ; MONTREAL GAZETTE, 22 September 1842 ; KINGSTON CHRONICLE, 21 September 1842 ; and in almost identically worded accounts in the BRITISH COLONIST, 28 September 1842, and EXAMINER, 28 September 1842. LE CANADIEN, 23 September 1842, copied by L'AURORE, 27 September 1842, contains a commentary on the debate as well. The official motions, amendments and divisions were reported in : MONTREAL TRANSCRIPT, 29 September 1842 ; LE CANADIEN, 28 September 1842 ; MONTREAL GAZETTE, 28 September 1842 ; LA MINERVE, 30 September 1842. The first speech of the debate, that of Mr. Dunlop, is identical in the KINGSTON CHRONICLE, and the BRITISH COLONIST, as is that of Mr. Boswell.

76. BRITISH COLONIST, 28 September 1842.
 77. MONTREAL GAZETTE, 22 September 1842.
 78. BRITISH COLONIST, 28 September 1842.
 79. IBID.
 80. MONTREAL GAZETTE, 22 September 1842.
 81. KINGSTON CHRONICLE, 21 September 1842.
 82. IBID.
 83. IBID.
 84. IBID.
 85. IBID.
 86. IBID.
 87. IBID.
 88. BRITISH COLONIST, 28 September 1842.
 89. KINGSTON CHRONICLE, 21 September 1842.
 90. The debate on this motion was reported by : EXAMINER, 28 September 1842 ; MONTREAL GAZETTE, 22 September 1842 ; and BRITISH COLONIST, 28 September 1842.
 91. BRITISH COLONIST, 28 September 1842.
 92. IBID.
 93. The JOURNALS, and the other newspapers, agree that Cartwright was the member who seconded the motion.
 94. MONTREAL GAZETTE, 22 September 1842.
 95. BRITISH COLONIST, 28 September 1842.
 96. MONTREAL TRANSCRIPT, 24 September 1842.
 97. MONTREAL GAZETTE, 22 September 1842.
 98. IBID.
 99. BRITISH COLONIST, 28 September 1842.
 100. MONTREAL GAZETTE, 22 September 1842.
 101. KINGSTON CHRONICLE, 21 September 1842.
 102. BRITISH COLONIST, 28 September 1842.
 103. MONTREAL GAZETTE, 22 September 1842.
 104. IBID.
 105. IBID. See 21 September 1842, p. 300, for an interesting exchange re : Cuvillier's remarks.
 106. IBID.
 107. IBID.
 108. IBID.
 109. The events following this resolution were reported by : EXAMINER, 28 September 1842 ; MONTREAL GAZETTE, 22 September 1842.
 110. MONTREAL GAZETTE, 22 September 1842.
 111. This notice was reported in : MONTREAL GAZETTE, 22 September 1842 ; BRITISH COLONIST, 21 September 1842 ; KINGSTON CHRONICLE, 21 September 1842 ; LA MINERVE, 23 September 1842 ; LE CANADIEN, 23 September 1842, copied by L'AURORE, 27 September 1842.
 112. BRITISH COLONIST, 21 September 1842. Whether in jest or in honest error, the BRITISH COLONIST substituted the words "Members of Parliament" for "Justices of the Peace."
 113. This notice was reported by : MONTREAL GAZETTE, 22 September 1842 ; BRITISH COLONIST, 21 September 1842 ; LA MINERVE, 23 September 1842 ; KINGSTON CHRONICLE, 21 September 1842.
 114. KINGSTON CHRONICLE, 21 September 1842.
 115. The following three notices given by Mr. Neilson were reported by : BRITISH COLONIST, 21 September 1842 ; LA MINERVE, 23 September 1842 ; LE CANADIEN, 23 September 1842, copied by L'AURORE, 27 September 1842.
 116. BRITISH COLONIST, 21 September 1842.
 117. IBID.
 118. This notice was reported by : BRITISH COLONIST, 21 September 1842 ; KINGSTON CHRONICLE, 21 September 1842.
 119. IBID.
 120. LE CANADIEN, 23 September 1842, which also mentions "La loi du Haut-Canada spécifie certains emplois, tandisque (sic) la nôtre les comprend tous."

121. The debate on this motion was reported by : EXAMINER, 21 September 1842 ; BRITISH COLONIST, 28 September 1842.

122. BRITISH COLONIST, 28 September 1842.
 123. IBID.
 124. IBID.

125. This debate was reported by : KINGSTON CHRONICLE, 21 September 1842 ; MONTREAL TRANSCRIPT, 27 September 1842 ; and MONTREAL GAZETTE, 24 September 1842. The MONTREAL TRANSCRIPT and the MONTREAL GAZETTE both misdated their reports as 21 September, but internal evidence indicates that the correct date was 19 September.

126. KINGSTON CHRONICLE, 21 September 1842.
 127. MONTREAL GAZETTE, 24 September 1842.
 128. MONTREAL TRANSCRIPT, 27 September 1842.

129. IBID.

130. IBID.

131. The debate on this motion was reported by: MONTREAL GAZETTE, 22 September 1842; KINGSTON CHRONICLE, 21 September 1842.

132. IBID.

133. IBID.

134. The debate on this was reported by: MONTREAL GAZETTE, 22 September 1842; BRITISH COLONIST, 21 September 1842; EXAMINER, 28 September 1842.

135. MONTREAL GAZETTE, 22 September 1842.

136. IBID.

137. IBID.

Tuesday, 20 September 1842.

Half-past Eleven o'clock, a.m.

(24)

Addresses,
congratulation.

The Honourable Messieurs *Harrison* and *Dunn*, Members of the Executive Council, reported to the House, that the Governor-General having been waited upon, pursuant to their order of yesterday, humbly to know His Excellency's pleasure, when he will be attended by this House with their congratulatory Addresses to the *Queen*, and Prince *Albert*, on the birth of the Prince of *Wales*, and to Her Majesty, on Her escape from the treasonable attempt of a reckless and wicked assassin, and also the Address to His Excellency praying that he will transmit the said Addresses to Her Majesty's Government in *England*, had been pleased to appoint to be attended this day, after the reception of the Address in answer to the Speech.

Welland Canal.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor-General,

Annual Report for 1841, relative to the Welland Canal, in compliance with the Provincial Act of the late Legislature of *Upper Canada*, 7 Will. 4, cap. 92.

[For the said Report see Appendix (F.) at the end of this Volume.]

Turnpike
Trusts.

Also, Annual Reports of Commissioners of certain Turnpike Trusts, viz : *Home District, Kingston and Napanee, and Johnstown*, District Roads, in compliance with the Provincial Act of the late Legislature of *Upper Canada*, 3 Vict. cap : 53.

[For the said Reports, see Appendix (G.) at the end of this Volume.]

Prov'l. Peni-
tentiary.

Also Annual Report for 1841 relative to the Provincial Penitentiary, in compliance with the Provincial Act of the late Legislature of *Upper Canada*, 4 Will. 4, cap. 37.

[For the said Report, see Appendix (H.) at the end of this Volume.]

(25)

Registrars.

Also, Registrar's Report of Bonds and Securities registered, in compliance with the Provincial Act, 4 and 5 Vict. cap. 91.

[For the said Report, see Appendix (I.) at the end of this Volume.]

Paris Bridge.

And, Commissioner's Account, for 1841, for the Bridge over the *Grand River*, at *Paris*, in compliance with the Provincial Act of the late Legislature of *Upper Canada*, 4 Will. IV. cap. 44.

[For the said Account, see Appendix (J.) at the end of this Volume.]

At the hour appointed, Mr. Speaker, and the House, attended upon His Excellency, with the Address of the House;

And being returned,

Mr. Speaker reported that the House had attended upon His Excellency, the Governor General, with their Address in answer to the Speech of His Excellency to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament, to which His Excellency was pleased to make the following answer :

Gentlemen,

Answer to
Speech.

I thank you, for your Address, and for your congratulations upon my assumption of the Government of this Province. I rely upon your cordial support in all my efforts to secure and increase its prosperity.

Addresses,
congratulation.

Mr. Speaker also reported, that the House had attended upon His Excellency, the Governor General, with their congratulatory Addresses to the Queen and Prince *Albert*, on the birth of the Prince of *Wales*; and to Her Majesty on Her escape from the treasonable attempt, of a reckless and wicked assassin; and also, the Address to His Excellency, praying that he will transmit the said Addresses to Her Majesty's Government in *England*, to which His Excellency was pleased to make the following answer:

Gentlemen,

I shall have much pleasure in transmitting to the Secretary of State, for the purpose of being laid before the Queen and Prince *Albert*, the loyal Addresses which you have adopted, congratulating Her Majesty and His Royal Highness upon the birth of the Prince of *Wales*: — together with the Address to Her Majesty, offering your congratulations upon Her Majesty's providential escape from the treasonable attempt of an assassin.

Then on motion of Mr. *Dunlop*, seconded by Mr. *Woods*,

The House adjourned until seven o'clock, p. m. this day.¹

7 o'Clock P.M.

11 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table: —

By Mr. *Leslie*, the Petition of *William Phillips*, and others.

By Mr. *Turcotte*, the Petition of *P. J. Heroux*, and others, of the township of *Aston*, and other places.

By Mr. *Gilchrist*, the Petition of the Municipal Council of the *Colborne* District, relating to road labour; and the Petition of the Municipal Council of the *Colborne* District, relating to the School Act.

By the Honourable Mr. *Hincks*, the Petition of the Municipal Council of the District of *Brock*, relating to Agriculture; the Petition of the Municipal Council of the District of *Brock*, relating to lands of absentees; and the Petition of the Municipal Council of the District of *Brock*, relating to the School Act.

(25)

By Mr. *Cameron*, the Petition of *Julia Bell*, of *Toronto*.

By the Honourable Mr. *Moffatt*, the Petition of the *Montreal* Fire Insurance Company.

By Mr. *Black*, the Petition of the President and Directors of the *Quebec* Fire Assurance Company; and the Petition of *James Gibb*, *John Munn*, and others, of *Quebec*.

Petitions re-
ferred.
Isaac Bond,
and others.

Mr. *Henry Smith* moved, seconded by the Honourable Mr. *Hincks*, that the Petition of *Isaac Bond*, and others, Inhabitants of the township of *Loughborough*, and other places, praying to be formed into a separate township, be referred to a Select Committee, composed of Messieurs *Cartwright*, *Roblin*, *Morris* and *Cameron*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Sir A. MacNab opposed it.²

Dr. Dunlop warned the House against the too ready adoption of such petitions.³

(25)

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative,

Resolved — Accordingly.

Robert Barclay,
and others.

Resolved — That the Petition of *Robert Barclay*, and others, of *Kingston*, Stone Masons, presented to the House on the fifteenth instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon, with all convenient speed ; with power to send for persons, papers, and records.

Ordered — That *Mr. Henry Smith*, *Mr. Parke*, *Mr. Roblin*, *Mr. Cartwright*, and *Mr. Boswell*, do compose the said Committee.⁴

Timber cut on
Crown Lands.

On motion of the Honourable Mr. *Neilson*, seconded by Mr. *Hamilton*,

Ordered — That the proper officer do lay before this House a detailed statement of all monies received for the sale of Licenses to cut Timber on the Crown Lands, from the 10th of February 1841, and also a statement of monies still due for such sale of Licenses, from the same period.⁵

Mr. Hincks said that all information would be laid before the House, on the subject of the public accounts.⁶

Mr. Neilson said he wished for separate accounts on this subject.⁷

Justices qualifi-
cation Bill.

(25)

Ordered — That the Honourable Mr. *Jones*, have leave to bring in a Bill, to revive a certain Act of the Legislature of *Lower Canada*, for the qualification of Justices of the Peace.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Winter Roads.

On motion of Mr. *Armstrong*, seconded by The Honourable Mr. *Viger*,

Resolved — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of amending two certain Ordinances relative to Winter Roads in that part of the Province, formerly called *Lower Canada*.

Correspondence
between His
Excellency and
Mr. Lafontaine.

The Honourable *S. B. Harrisson* laid before the House, by command of His Excellency, the Governor-General, Return to an Address of the House of Assembly, praying the Governor-General to cause to be laid before the House a copy of the Letter addressed by His Excellency, on the thirteenth instant, to *L. H. Lafontaine*, Esquire, then a Member of this House, in reference to certain proposed changes in the Provincial Administration ; and also a copy of all the correspondence on the subject.

S. B. Harrisson,
Secretary.

Kingston, 20th September, 1842.

(26)

(Copy.)

Government House,
Kingston, Sept. 13, 1842.

Sir,

Having taken into my most earnest and anxious consideration the conversations which have passed between us, I find my desire to invite the aid of and cordial co-operation with my Government, the population of French origin in this Province unabated, and have, therefore, not waited for the result of your deliberations, but, on the contrary, have been considering how far I can possibly meet the views of those who have the confidence of that part of the population, so as to make their accession to the Government satisfactory to themselves, and at the same time accompanied by that mutual confidence which can alone make it beneficial to the country.

Correspondence
between His Ex'y
and H. Lafon-
taine.

I have accordingly come, not without difficulty, to the conclusion, that, for such an object, I will consent to the retirement of the Attorney-General, Mr. *Ogden*, from the office which he now holds, upon its being distinctly understood that provision will be made for him commensurate with his long and faithful services.

Upon this retirement, I am prepared to offer to you the situation of Attorney-General for *Lower Canada*, with a seat in my Executive Council.

The office of Solicitor-General in *Lower Canada* has long been kept vacant, in the hope of some arrangement, by which the object which I have always had in view might have been assisted; and I shall be happy to listen to your suggestion of the name of any gentleman of British origin, whose co-operation in the Government will aid us in the attainment of one common object.

I have reverted carefully and anxiously to your expressed wish of being joined in your adherence to the Government by a sufficient number of supporters to ensure the confidence of those whose interests you represent.

I find that one of my own plans for the advantage of *Lower Canada*, viz. — the distribution of a portion of too crowded population of your frontier settlements over a larger extent of territory, may be made to coincide with your views.

Mr. *Girouard* has been represented to me as a gentleman possessing administrative faculties of a high order, and at the same time the confidence of his countrymen.

He can mutually assist in forwarding my object in this respect; and I have therefore determined, if I shall be successful in inducing you to accept my proposition, on offering to him the situation at present held by Mr. *Davidson*, together with a seat in the Council, on the understanding that the latter gentleman shall also be provided for in a manner suitable to his just pretensions, and that Mr. *Girouard* shall be elected by some constituency a Member of the Assembly.

I have further determined to offer the confidential post of Clerk of the Council to some gentleman of your recommendation; and I would suggest that the reputation enjoyed by Mr. *Morin* or Mr. *Parent* would designate them as perhaps among the fittest persons for your recommendation.

Mr. *Baldwin*'s differences with the Government having arisen chiefly from his desire to act in concert with the Representatives of the French portion of the population, and as I hope these differences are now happily removed, I shall be willing to avail myself of his services.

Mr. *Draper* has tendered to me the resignation of his office. I shall always regret the loss of such assistance as he has uniformly afforded me, and shall feel the imperative obligation of considering his claims upon the Government, whenever an opportunity may offer, of adequately acknowledging them. This will leave the office of Attorney-General, with a seat in the Council, at my disposal, and I am prepared to offer it to Mr. *Baldwin*.

The absence of Mr. *Sherwood* deprives me of the opportunity of ascertaining how far he might be willing to accede to this arrangement, or of knowing whether he is ready to fulfil one of the conditions of his appointment by obtaining a seat in the Assembly.

The disposal of his office must, therefore, be left as a matter for future considerations.

From my knowledge of the sentiments entertained by all the gentlemen who now compose my constitutional advisers, I see no reason to doubt that a strong and united Council might be formed on the basis of this proposition.

In this persuasion, I have gone to the utmost length to meet, and even to surpass, your demands; and if, after such an overture, I shall find that my efforts to secure the political tranquillity of the country are unsuccessful, I shall at least have the satisfaction of feeling that

I have exhausted all the means which the most anxious desire to accomplish this great object enabled me to devise.

I have the honour to be,

&c. &c. &c.

(Signed,) *Chas. Bagot.*

L. H. Lafontaine, Esquire.

(Copy.)

Kingston,
16th September, 1842.

Mr. *Lafontaine* having respectful reference to the letter which His Excellency, the Governor-General, addressed to him on the thirteenth September, instant, and to the several audiences to which he was invited by His Excellency yesterday, has the honour to communicate to His Excellency, that he accepts His Excellency's proposal to come into office on the arrangement to which he understands His Excellency to have assented, that is to say, as contained in His Excellency's letter, modified as follows : —

Firstly — Mr. *Lafontaine* respectfully conceives it to be understood that the offices of Attorney-General of *Lower Canada* and Solicitor-General of *Upper Canada* are immediately to become vacant.

Secondly — That the proposition to make provision for the retiring officers, Mr. *Ogden* and Mr. *Davidson*, is to be considered an open question.

(Copy.)

Memorandum of the Governor-General.

The Governor-General has received Mr. *Lafontaine's* communication of this day's date, by which he accepts office upon the terms offered in the Governor-General's letter of the 13th instant, subject to the modifications stated in the communication.

The Governor-General concurs in those modifications.

And also, a Return to an Address to His Excellency, the Governor-General, of the 19th instant.

Return to an Address of the House of Assembly, praying the Governor General to order the proper officer to lay before the House the Estimate made by Mr. *Keefer*, of £255,900, alluded to in the late Lord *Sydenham's* message of last Session, (in a memorandum of the Chairman of the Board of Works,) with any plans, surveys, reports, or estimates, relating to the connexion of Lakes *St. Francis* and *St. Louis*, by means of a Canal ; with a copy of such parts of any Despatch or Despatches from the Colonial Secretary, referring to the same subject.

S. B. Harrison,
Secretary.

(27)

Kingston,

20th September, 1842.

Estimate of the probable cost of constructing a Canal for Steam-boats, between Lake *St. Francis* and Lake *St. Louis*, the distance by the River *St. Lawrence* being 14 $\frac{3}{4}$ miles, and the difference of the level, 82 $\frac{1}{2}$ feet. Locks, 45 feet wide, 170 feet long, and 9 feet of water on the mitre sills. Canal 80 feet wide at bottom, and 10 feet deep, with slopes, 2 to 1.

If Mr. *Mill's* River route be adopted, (vide his Report, route No. 1,) then we shall have 6 $\frac{7}{8}$ miles of Canal, and 7 $\frac{7}{8}$ miles of River navigation, as follows :

At *Coteau* rapids, 2 $\frac{1}{2}$ miles of Canal, averaging about

12 feet cutting in clay, chiefly, a	£12000	0	0
I Lock, 7 feet lift, & 1 do. 10 feet lift	21000	0	0
I Guard Lock	9000	0	0
	£64500	0	0

At <i>Cedar</i> rapids, 1 $\frac{3}{4}$ miles of Canal averaging about 18 feet cutting in clay and loose work for half the distance, the other half being River embankment, 26 ft. high, a £14000	£24500	0	0
1 Lock, 8 ft. lift £11000			
1 do. 12 do. 12500			
1 do. 10. 80 11500			
	£35000	0	0
	£59500	0	0

At the <i>Cascades</i> , 2 $\frac{1}{4}$ miles of Canal, excavation, in earth and rock, and embankment in River, averaging £25000 per mile	£56250	0	0
1 Lock, 7 ft. lift £10000			
1 do. 8.22 11000			
1 do. 10 12000			
	£33000	0	0
	£89250	0	0

ABSTRACT.

The <i>Coteau</i> Rapids	£64500	0	0
The <i>Cedars</i>	59500	0	0
The <i>Cascades</i>	89250	0	0
	£213250	0	0
Superintendence and contingencies, 20 per cent	42650	0	0
Total	£255900	0	0

A saving of about £50000, may be probably be effected, by taking the south shore of the River.

(Signed) *Samuel Keefer, C.E.*

Kingston, 19th June, 1841.

On motion of Mr. *Hamilton*, seconded by Mr. *Foster*,

Resolved — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to obtain for the information of this House, a statement of the licences granted, and timber cut, on the waste lands of the Crown in the County of *Ristigouche*, in the Province of *New Brunswick*, in the years 1835, 1836, 1837, 1838, 1839, 1840, 1841, and 1842, with the names of the persons to whom such licences were granted, to be laid before this House.⁸

Timber cut on
Ristigouche.

Mr. Hincks objected to such an address on the ground that his Excellency had not the power at present of giving the information.⁹ Those matters would come fully before the house in a day or two in the public accounts.¹⁰

(27)

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Hamilton*, seconded by Mr. *Barthe*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to obtain for the information of this House, a statement of the quantity of Timber shipped from the Ports of *Dalhousie* and *Campbletown*, in the *Ristigouche*, in the years 1835, 1836, 1837, 1838, 1839, 1840, 1841, and 1842.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable Executive Council of this Province.

Timber shipped
from Ports *Dal-*
housie and
Campbletown.

Correspondence,
Mr. Lafontaine.

The Honourable Mr. *Moffatt* moved, seconded by Sir *Allan N. MacNab*, that two hundred and fifty copies, in English, and two hundred and fifty copies, in French, of the correspondence between His Excellency, the Governor-General, and the Honourable Mr. *Lafontaine*, be printed for the use of the Members of this House.¹¹

Mr. Aylwin thought it unnecessary to waste money on such a thing. If the hon. member wishes it, let him print 250 copies for the use of his own province, but he would oppose its being printed in French, because the French people knew it already, and its impression was made upon their hearts.¹²

Mr. Johnston thought it ought to be disseminated — it was a letter which a school boy should be whipped for writing — and he would vote that 500 copies of it should be sent to both Provinces.¹³

Sir Allan MacNab never before heard such a motion objected to; it was right that the whole country should be put in possession of the facts.¹⁴

Mr. Viger said they might censure His Excellency for his measures, but the language used by the Hon. Member was a disgrace to the House.¹⁵

The Speaker ((**Mr. Cuvillier**)) remarked that it was quite impossible to carry on the business of the House if gentlemen did not act differently to what they have done since the opening of the present session.¹⁶

Mr. Johnston thought the Hon. Member ((**Mr. Viger**)) conceived that his age gave him wisdom, but he must recollect that "age often went before honesty". He was always ready to obey the call of the Speaker to order.¹⁷

Mr. Hamilton begged that the words of the Member for Carlton might be taken down, and that he should be brought to the bar of the House.¹⁸

This was accordingly done, and the public were excluded.¹⁹

(27)

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative,
Ordered — Accordingly.

Beauharnois
Canal.

Mr. Simpson moved, seconded by the Honourable Mr. *Moffatt*, that the documents laid before the House, this day, by command of His Excellency, the Governor-General, relating to the Beauharnois Canal, be referred to a Committee of seven Members, to report from time to time; with power to send for persons, papers, and records.

Sir *Allan N. MacNab*, moved in amendment, seconded by Mr. *Johnston*, that the word "Seven" in the said motion, be struck out, and the word "Nine" substituted.²⁰

Mr. Harrison said this might be considered as following out the debate of last night, and he was at no loss now in taking up the question. As a member of the Board of Works, he had endeavored to ascertain the precise nature of the question, and had devoted the whole of that day to the purpose. He had no doubt that the committee named by the hon. mover would act right enough, being all hon. gentlemen; still, after what he (**Mr. Simpson**) had said, that he was opposed to any canal, and brought forth the serious charges he did, he thought it wrong to allow him to name the committee. He has charged the President of the Board of Works with acting corruptly, or wanting proper skill, in not taking it on the north side instead of the south. He would now rebut those charges, and thought that the admission of the hon. member, that he was opposed to any canal being made at all, ought to weigh against his argument. Another strange admission, by the hon. member for Lenox (sic) and Addington, was his saying he would have nothing to do with it when requested to examine the site chosen. Another hon. member told them who made the examinations, and who took him there and showed him the shoals. — The hon. member for Vaudreuil knows who have no interest and wish no canal. He would defend his friend, and wished the matter to be thoroughly investigated by a committee, and doubted not that a committee appointed by the House would acquit

his hon. friend. He considered the hon. member for Cornwall blameable as an officer of the government in not previously reporting what he now brought forward.²¹

In the course of his speech he was called to order by the Speaker ((**Mr. Cuvillier**))²².

((**Mr. Harrison**)) apologised by saying his anxiety in favour of an absent friend urged him to use the expressions he did.²³

Sir Allan MacNab now felt it absolutely necessary to have the matter thoroughly investigated. The warmth of the Hon. and Learned Member, generally so cool on the floor convinced him it was so.²⁴ He attacks the hon. member introducing the motion, and tells another that he is a member of the government, which he (**Sir Allan**) considered a breach of privilege which, if proved, would expel him from the House. The member for Kingston is a member of the Board of Works, and only to-day had he made himself acquainted with the subject²⁵, a matter involving the sum of £600,000.²⁶ That ought to be sufficient to lead them to an investigation. The House owed a debt of gratitude to the hon. member for Vaudreuil for bringing up the measure.²⁷

Mr. Chesley was not prepared to receive the attack which the Hon. Member had just made. He had been accused of personal motives.²⁸

Mr. Harrison explained that he had said, he was accompanied by one interested.²⁹

Mr. Chesley resumed. He visited the shoals in a boat belonging to a steamer, which he hired. Mr. Roebuck accompanied him. He had been reminded that he was a Government officer; he had a duty apart from that, which he would not shrink from.³⁰

Mr. Moffatt and **Mr. Johnston** concurred in the opinions of Sir Allan Macnab³¹.

Mr. Hincks defended himself and party.³²

(27)

The question being put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Resolved — Accordingly.

Ordered — That Mr. Simpson, Mr. Merritt, Mr. Cameron, the Honourable Mr. Moffatt, Mr. Parent, Sir Allan N. MacNab, and Mr. Dunscomb, do compose the said Committee.

On motion of Mr. Johnston, seconded by Mr. Cameron,

Ordered — That the proper officer do lay before this House, a copy of the expenses of surveys as regards the building or erecting a Bridge on the Ottawa from Bytown to Hull.

Ordered — That Mr. Hamilton have leave to bring in a Bill to regulate the Salmon Fisheries, in the District of Gaspé.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

On motion of Mr. Merritt, seconded by Captain Steele,

Ordered — That the order of the day for the House in Committee to consider the expediency of continuing and amending an Act passed by the Legislature of the late Province of Upper Canada, in the first year of Her Majesty's reign, intituled, "An Act to authorize the establishment of Boards of Boundary Line Commissioners within the several Districts of this Province" lost by the adjournment of the House of yesterday, be revived, and that this House will, on Thursday next, resolve itself into the said Committee.

On motion of Mr. Cameron, seconded by Mr. Derbyshire,

(28)

Ordered — That the order of the day for the second reading of the Bill to regulate the Inspection and Measurement of Timber, Masts,

Ottawa Bridge.

Gaspé Fishery
Bill.

Boundary Line
Commissioners'
Bill.

Timber measure-
ment Bill.

DEBATES OF LEGISLATIVE ASSEMBLY

Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same, lost by the adjournment of the House of yesterday, be revived, and that the said Bill be read a second time, this day.

Salary, &c. to
Mr. Murdoch.

Mr. *Watts* moved, seconded by Mr. *Johnston*, that an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Despatch reporting Mr. *Murdoch's* appointment, his rate of salary, and how it was to be paid, also for copies of all money warrants which were issued in his favour during his residence in Canada.³³

Mr. *Watts* gave as a reason for introducing the motion that he had not the highest opinion of Mr. Murdoch's integrity.³⁴ He did not think Mr. Murdoch would hesitate retaining more than his due, if he had the opportunity.³⁵

Mr. *Black* objected to the personalities³⁶.

Mr. *Harrison* was astonished to hear such an address moved for by a person who ought to have had more knowledge of affairs, as he himself was in the office with him. The gentleman alluded to had faithfully discharged his duties, and he (Mr. H.) was satisfied that he had received no salary but what was paid him by the British Government; but if any sufficient reason was assigned, the necessary information should be had.³⁷

Mr. *Watts* made some assertions respecting the making out of money warrants³⁸.

Mr. *Hincks* ... repudiated such an assertion against an absent man, and said he trusted the house would require something more than simple assertion for this motion.³⁹

(28)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Banks.

Mr. *Morris* from the Special Committee to which were referred the Petition of the President, Directors and Company, of the Commercial Bank of the *Midland* District, and the Petition of the President, Directors and Company, of the Bank of *Upper Canada*, presented to the House, the Report of the said Committee, which was again read at the Clerk's table, and is as followeth: —

Report.

That the Capital Stock of each of the said Banks, respectively, is £200,000, a sum which the officers of those Institutions conceive to be quite insufficient to meet the demands for Banking facilities, consequent upon the great increase of the commercial operations of the Province, since their establishment: — Your Committee would therefore respectfully recommend, that the Capital Stock of each of the said Banks be increased to the sum of Five Hundred Thousand Pounds, upon the same terms and conditions as those specified in the Charters granted last Session to the Bank of *Montreal*, and other Banking Institutions.

Mr. *Morris* moved, seconded by Mr. *Price*, that the said Report be referred to a Committee of the whole House, to-morrow.

Mr. *Johnston* moved in amendment, seconded by Mr. *Dunlop*, that the word "To-morrow" in the said motion, be struck out, and the words "Friday next" substituted.

The question being put upon the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put upon the main motion, as amended, it was agreed to by the House.

Ordered — Accordingly.

Orders of the
day.

Mr. *Hamilton* moved, seconded by Mr. *Price*, that the orders of the day that have not been disposed of, be postponed until to-morrow.

Mr. Cameron moved in amendment, seconded by Mr. Boswell, that all the words after "that," in the said motion, be struck out, and the following substituted : " leave be given to take up that item, on the order of the day book, relative to the second reading of the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same."

The question having been put on the motion of amendment, a division ensued, and it was carried in the affirmative,

The question being then put upon the main motion, as amended, it was agreed to by the House,

Ordered — Accordingly.

Mr. Hamilton moved, seconded by Mr. Price, that the House do now adjourn.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Timber Inspection Bill.

A Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same, was, according to order, read a second time.

Resolved — That the said Bill be referred to a Select Committee, composed of Messieurs Cameron, Derbyshire, Papineau, Leslie, and Burnett, to report thereon with all convenient speed ; with power to send for persons, papers, and records.

Then, on motion of Mr. Johnston, seconded by the Honourable Mr. Viger,

The House adjourned.

Appendix, 20 September 1842.

((Question and Answer Re : Petitions for Rebellion Losses.))⁴⁰

Mr. Delisle wished to put one question to the members on the Treasury benches. He had presented several petitions praying for compensation for losses sustained in the late rebellion, and he wished to know if it was their intention to take up that subject.⁴¹

Mr. Harrison hoped the House would recollect that a bill was passed voting £40,000⁴², for Upper Canada⁴³, for that purpose, but yet nothing had been done for want of the necessary funds. There was every disposition to remunerate (sic) such individuals, and it would be done as soon as possible.⁴⁴ He was not then prepared to say whether any, or what amount of that money was still unappropriated, but he could say that the subject was fixed to come under the consideration of the Government, though it might not be immediately.⁴⁵

((Withdrawn Motion Re : Incorporation of Town of Niagara.))⁴⁶

Mr. Thompson moved that the petition from Niagara praying for an act of incorporation be referred to a committee.⁴⁷

Mr. Harrison thought the hon. member would withdraw his motion when he assured him that that was one of the measures which the government had under consideration. It was contemplated to incorporate certain towns, and Niagara was one of them.⁴⁸

((Mr. Thompson withdrew his motion.))⁴⁹

((Withdrawn Notice of a Bill to Amend District Council Act Re : Recovery of Small Debts.))

Capt. Steele gave notice of a bill for amending the District Council act relative to the recovery of small debts ; but if it was intended to introduce anything on the subject, he would withhold it.⁵⁰

Mr. Harrison did not doubt but that the bill required amendment ; but he could not in the present position of the House give that answer to the inquiry which he would soon be able to do.⁵¹

((Withdrawn Motion Re : Cost of Fees to Lower Canada Queen's Counsel.))⁵²

Mr. Watts made a motion, pursuant to a notice given about a week ago, for an Address to His Excellency, as to amount of Queen's Counsel's fees in Canada East, as paid by Government⁵³, exclusive of prosecutions for political offences.⁵⁴

Mr. Hincks said, all the information that could be laid before the house was contained in the public accounts, and those would be laid before them in a few days. He did not know what Mr. Watt(s) meant, except it was to embarrass (sic) and annoy the government by bringing on such motions.⁵⁵

Mr. Watts ... withdrew his motion.⁵⁶

Footnotes — 20 September 1842.

1. According to MONTREAL GAZETTE, 23 September 1842, the adjournment was until 7 P.M. "to allow the Members to witness the launch of a splendid new war steamer, '*The Cherokee*'."
2. KINGSTON CHRONICLE, 24 September 1842.
3. IBID.
4. However, the EXAMINER, 28 September 1842, contains a contrary account of this: "Mr. Brown moved to refer the petition of Robert Barclay and others for losses sustained by the non performance of a Contract entered into by them with the officers of Public Works. The motion was opposed and lost." This contract with the Masons was with the Commissioners of the Trent Canal. KINGSTON CHRONICLE, 24 September 1842.
5. The debate on this matter was reported by: EXAMINER, 28 September 1842; LA MINERVE, 28 September 1842; KINGSTON CHRONICLE, 24 September 1842.
6. EXAMINER, 28 September 1842.
7. IBID.
8. Hinck's remarks on this matter were reported by: BRITISH COLONIST, 28 September 1842, and EXAMINER, 28 September 1842, in identical accounts; LA MINERVE, 28 September 1842; and KINGSTON CHRONICLE, 24 September 1842.
9. KINGSTON CHRONICLE, 24 September 1842.
10. BRITISH COLONIST, 28 September 1842.
11. The debate on this motion was reported by: EXAMINER, 28 September 1842; LA MINERVE, 28 September 1842; KINGSTON CHRONICLE, 24 September 1842; MONTREAL GAZETTE, 23 September 1842.
12. KINGSTON CHRONICLE, 24 September 1842.
13. MONTREAL GAZETTE, 23 September 1842.
14. KINGSTON CHRONICLE, 24 September 1842.
15. MONTREAL GAZETTE, 23 September 1842.
16. EXAMINER, 28 September 1842.
17. MONTREAL GAZETTE, 23 September 1842.
18. IBID.
19. IBID.
20. The debate on this was reported by: BRITISH COLONIST, 28 September 1842, in an account identical to that in the EXAMINER, 28 September 1842; LA MINERVE, 23, 28 September 1842; KINGSTON CHRONICLE, 21, 24 September 1842; MONTREAL GAZETTE, 23 September 1842. In a commentary on the debate, LA MINERVE of the 23rd September wrote that there was "tant et plus de bavardage inutile sur le canal...."
21. KINGSTON CHRONICLE, 24 September 1842.
22. EXAMINER, 28 September 1842.
23. IBID.
24. MONTREAL GAZETTE, 23 September 1842.
25. KINGSTON CHRONICLE, 24 September 1842.
26. MONTREAL GAZETTE, 23 September 1842.
27. KINGSTON CHRONICLE, 24 September 1842.
28. MONTREAL GAZETTE, 23 September 1842.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. The debate on this motion was reported by: MONTREAL GAZETTE, 23 September 1842; EXAMINER, 28 September 1842, and BRITISH COLONIST, 28 September 1842, in identical accounts; KINGSTON CHRONICLE, 24 September 1842; and LA MINERVE, 28 September 1842.
34. KINGSTON CHRONICLE, 24 September 1842.
35. BRITISH COLONIST, 28 September 1842.
36. MONTREAL GAZETTE, 23 September 1842.
37. KINGSTON CHRONICLE, 24 September 1842.
38. IBID.
39. BRITISH COLONIST, 28 September 1842.
40. The debate on this question was reported by: MONTREAL GAZETTE, 23 September 1842; EXAMINER, 28 September 1842; KINGSTON CHRONICLE, 24 September 1842; and LA MINERVE, 28 September 1842.
41. KINGSTON CHRONICLE, 24 September 1842,
42. IBID.

43. MONTREAL GAZETTE, 23 September 1842.
44. KINGSTON CHRONICLE, 24 September 1842.
45. EXAMINER, 28 September 1842.
46. The debate on this motion was reported by: MONTREAL GAZETTE, 23 September 1842 ; EXAMINER, 28 September 1842 ; and KINGSTON CHRONICLE, 24 September 1842.
47. KINGSTON CHRONICLE, 24 September 1842.
48. IBID.
49. IBID.
50. KINGSTON CHRONICLE, 24 September 1842. Capt. Steele gave his routine notice on 9 September 1842, but withdrew it on the 20th instead of introducing his legislation. Probably the KINGSTON CHRONICLE should have reported that "Capt. Steele had previously given notice...." etc.
51. KINGSTON CHRONICLE, 24 September 1842.
52. The debate on this was reported by : MONTREAL GAZETTE, 23 September 1842 ; and in identical accounts in BRITISH COLONIST, 28 September 1842, and EXAMINER, 28 September 1842.
53. MONTREAL GAZETTE, 23 September 1842.
54. BRITISH COLONIST, 28 September 1842.
55. IBID.
56. MONTREAL GAZETTE, 23 September 1842.

Wednesday, 21 September 1842.

(28)

15 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table : —¹

By Mr. Kimber, the Petition of *Gaspard Dauth*, of *Ste. Anne La-Perade*.

By Mr. Boswell, the Petition of *John Gilchrist*, of *Peterborough*; and the Petition of the Municipal Council of the *Newcastle* District.

By Mr. Holmes, the Petition of the Medical School of *Montreal*, in connexion with the *McGill College*; the Petition of the *Montreal Auxiliary Bible Society*; and the Petition of Protestant Episcopal residents of the parish and seigniory of *La Prairie de la Magdelaine*.

By Mr. Papineau, the Petition of *T. W. Georgen*, of *Hull*, District of *Sydenham*.

By Mr. Aylwin, the Petition of *Aeneas Bell*, of the city of *Toronto*; and the Petition of *Charles Smith*, and *Anthony Anderson*, of *Quebec*.

By Mr. Burnet, the Petition of *J. Bell Forsyth*, and others, of *Quebec*; the Petition of *J. E. Heath*, and others, of the city and neighbourhood of *Quebec*; and the Petition of Mrs. *Adelaide Bouchette*, of *Quebec*, widow of the late *Joseph Bouchette*, Surveyor General.

By Mr. Price, the Petition of *William Vynne Bacon*, of *Kingston*.

By the Honourable Mr. Neilson, the Petition of the Mayor, Aldermen, and Citizens of the city of *Quebec*; and the Petition of *Robert F. Gourlay*, of *St. Catharines*.

Pursuant to the order of the day, the following Petitions were read : —

Of the Reverend *Joseph Larocque*, Director of the College of *St. Hyacinthe*, praying for an aid for said College.²

Of the President, Directors, and Company, of the *Cobourg Harbour Company*, praying that the time for the re-payment of the loan to the said Company, be extended.

Of the Municipal Council of the *Colborne District*, praying for an increased valuation of lots in towns, for the purpose of taxation.

Of *Stephen Blackstone*, and others, Elders and Deacons of the Presbyterian Churches of *Pelham*, and other places, praying for an Act to naturalize the Reverend Messieurs *Abijah Blanchard*, and *Levi Rose*, and Mr. *John F. A. S. Fayette*.

Of the Reverend *Abijah Blanchard*, and others, of the Districts of *Niagara*, *Gore* and *Wellington*, praying to be naturalized.³

Rev. A. Blanchard.

S. Blackstone,
and others.

B. Young.

Lacroix and
Bolduc.

Of *Bernard Young*, of the township of *Compton*, stating that he is unable to gain a livelihood for himself and family in consequence of wounds received while acting as Peace officer, according to orders, and praying that he may receive an annual allowance or pension.

(29)

Of *Pierre Lacroix*, and *Joseph Bolduc*, of *Quebec*, praying for a pension in consideration of their long services as messengers of the Legislative Council of the late Province of *Lower Canada*.

H. Robinson.

Of *Hezekiah Robinson*, and others, of the Counties of *Chambly*, *Rouville*, *St. Hyacinthe*, and other places, praying that the turnpike road constructed from *Longueil* to *Chambly*, be continued to the village of *Granby*; and also that a bridge be built over the rapids of the River *Richelieu*, at *Chambly*.

Rev. C. P. Reid.

Of the Reverend *C. P. Reid*, and others Members of the Church of *England*, in the township of *Compton*, praying for an Act to regulate the Church Temporalities of the Diocese of *Quebec*.

G. Pemberton,
and others.

Of the Honourable *George Pemberton*, and others, Merchants of *Quebec*, praying for the remittance of one half the Timber Duties, the Petitioners having entered into engagements to pay it, in the full assurance that no alteration would take place in the system of the Timber Trade.

Censitaires.

Of certain Censitaires, in the Fiefs and Seignories belonging to the late order of Jesuits, within the town and District of *Three Rivers*, complaining of the accumulation of arrears of Cens et Rentes and Lods en Ventes, and praying for relief.

S. Delong, and
others.

Of *Simon Delong*, and others, Inhabitants of the township of *Ameliasburgh*, praying that the prayer of the Petition for the establishment of a Survey, made by Mr. *Wilmot*, in the said township, be not granted.

Petitions referred :
Rev. Ladies' Ursuline Convent.

Resolved — That the Petition of the Reverend the Religious Ladies of the Ursuline Convent of *Quebec*, presented to the House on the sixteenth instant, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.⁴

Ordered — That the Honourable Mr. *Neilson*, Mr. *Black*, Mr. *Aylwin*, Mr. *Berthelot*, and Mr. *Taché*, do compose the said Committee.

Bonner and
Petrie.

Ordered — That the Petition of *John Bonner* and *William Petry*, of *Quebec*, presented to the House on the thirteenth instant, be referred to the said Committee.⁵

Cobourg
Harbour.

Ordered — That the Petition of the President, Directors and Company, of the *Cobourg Harbour Company*, be referred to the Special Committee to which was referred the Petition of *George S. Boulton*, of *Cobourg*.

Gore Bank.

Resolved — That the Petition of the President, Directors and Company, of the *Gore Bank*, presented to the House on the fifteenth instant, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Thompson*, Mr. *Merritt*, Mr. *Leslie*, Mr. *L. M. Viger*, Sir *Allan N. MacNab*, do compose the said Committee.

Mrs. Painchaud.

Resolved — That the Petition of *Mrs. M. G. P. Painchaud*, and other Ladies of *Quebec*, praying for an Act of Incorporation, be referred to a Special Committee to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Parent*, Mr. *Berthelot*, Mr. *Moore*, Mr. *Black*, and Mr. *Aylwin*, do compose the said Committee.⁶

Censitaires.

Ordered — That the Petition of certain Censitaires, in the Fiefs and Seignories belonging to the late order of Jesuits, in the town and District of *Three Rivers*, be referred to the Special Committee to which was referred that part of the Petition of the Rev. *T. Cooke*, *S. B. Hart*, and others, Inhabitants of the District of *Three Rivers*, praying for the application of the Jesuits' Estates to the purposes of Education, in *Canada East*; and for the concessions of the Lands of the Crown in the rear of the town of *Three Rivers*.

DEBATES OF LEGISLATIVE ASSEMBLY

Criminal Justice
Acts.

On motion of Mr. *Black*, seconded by Mr. *Child*,

Resolved — That the House do now resolve itself into a Committee of the whole House, to consider the expediency of amending the following Acts, passed during the last Session of the Provincial Legislature, that is to say; the Act intituled, "An Act for improving the administration of Criminal Justice in this Province." The Act intituled : "An Act for consolidating and amending the Laws in this Province, relative to larceny and other offences connected therewith." The Act intituled : "An Act for consolidating and amending the Laws in this Province relative to malicious injuries to property." And the Act intituled : "An Act for consolidating and amending the Statutes in this Province relative to offences against the person;" in so far as relates to the time for which offenders may, under the said Acts, be imprisoned in the Provincial Penitentiary in certain cases.

The House accordingly resolved itself into the said Committee.

Mr. *Williams* took the Chair of the Committee ;⁷

Mr. *Black* moved a resolution, that the imprisonment in the Provincial Penitentiary, be reduced from 7 years to 3.⁸

(29)

and after some time spent therein.

Mr. Speaker resumed the Chair,

And Mr. *Williams* reported, that the Committee had come to a resolution ; which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolved — That it is expedient to enable the Courts, before whom offenders may be convicted, in certain cases, better to proportion the punishment of such offenders to the guilt of the offence, and to make Legislative provision accordingly.

Ordered — That Mr. *Black* have leave to bring in a Bill for better proportioning the punishment to the offence in certain cases.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Saturday next.

Resolved — That two Members be added to the Special Committee appointed to proceed to the enquiry on certain outrages, alleged as having occurred during the late general Election, in the Counties of *Terrebonne*, *Montreal*, *Vaudreuil*, *Beauharnois*, *Chamby*, and *Rouville*.

Ordered — That the Honourable Mr. *Viger*, and Mr. *Aylwin*, be added to the said Committee.⁹

Ordered — That the Honourable Mr. *Neilson* have leave to bring in a Bill, to fix the places of Election in the several Counties in *Canada East*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of Mr. *Hamilton*, seconded by Mr. *Papineau*,

Ordered — That the order of the day for the House in Committee to take into consideration the expediency of altering and amending the

(30)

Judicature Acts relating to the District of *Gaspé*, lost by the adjournment of the House of yesterday, be revived, and that the House do resolve itself into the said Committee, on to-morrow.

Ordered — That the order of the day for the House in Committee to consider the expediency of repealing certain parts of an Act of the last Session imposing duties on Salt, Nets and other Fishing Tackle,

Statistics, &c.

lost by the adjournment of the House of yesterday, be revived, and that the House do resolve itself into the said Committee, on this day.

On motion of Mr. *Moore*, seconded by Mr. *Hale*,

Point Levi Road.

Resolved — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all correspondence had with the President of the Emigrant Association of *Sherbrooke*, in relation to the opening of a road from *Point Levi* to that place ; also of all correspondence had in relation to the *Gosford* road, with a plan of said road, and a statement of the progress made, and the amount of moneys already expended on the various sections of the same.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Bill to prevent Attorneys acting as Justices.

Ordered — That Mr. *Delisle* have leave to bring in a Bill to prevent practising Attorneys from acting as Justices of the Peace.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Saturday next.

On motion of Mr. *Watts*, seconded by Mr. *Forbes*,

J. Brack of Wendover.

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all correspondence relating to the case of *J. Brack, of Wendover*.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.¹⁰

Agriculture.

On motion of the Honourable Mr. *Jones*, seconded by Mr. *Moore*,

Ordered — That the order of the day for the House in committee to consider the expediency of amending the Act 6 Will. 4, cap. 56, of the late Province of *Lower Canada*, intituled : "An Act to repeal a certain Act therein mentioned, and more effectually to remedy divers abuses, prejudicial to agriculture," lost by the adjournment of the House of yesterday, be revived, and that, on Friday next, the House do resolve itself into the said Committee,

On motion of Mr. *Kimber*, seconded by Mr. *Delisle*,

Militia claims, Lower Canada.

Resolved — That an humble address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the last report of the Commissioners, and of the Secretary, of the late Board on Militia claims, for *Lower Canada*, and also copies of all instructions which may have been given to the Commissioner of Crown Lands on that subject, subsequently to the time when the Board ceased its operations.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Jesuits' Estates.

On motion of Mr. *Kimber*, seconded by the Honourable Mr. *Neilson*,

Ordered — That it be an instruction to the Special Committee, to which was referred that part of the Petition of the Reverend T. *Cooke*, S. B. *Hart*, and others, Inhabitants of the District of *Three Rivers*, praying for the application of the Jesuits' Estates, to the purposes of education, in *Canada East*; and for the concession of the lands in the rear of the town of *Three Rivers*, to enquire into Lord *Durham's* report, on the management and value of the said Estates, and also into the several documents respecting them contained in the Journals and Appendices of the late House of Assembly of *Lower Canada*, with power to report from time to time.

DEBATES OF LEGISLATIVE ASSEMBLY

Ottawa Bridge,
Bytown.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, laid before the House, pursuant to its order of yesterday, a statement of expense of surveys for building a bridge on the *Ottawa*, from *Bytown* to *Hull*, which is as followeth : —

Return to an order of the Legislative Assembly, dated 20th September 1842, that the proper officer do lay before the House a statement of the expenses of surveys as regards the building or erecting a bridge on the *Ottawa*, from *Bytown* to *Hull*.

S. B. Harrison,
Secretary.

Kingston, 21st September, 1842.

Board of Works,
21st September, 1842.

SIR,

In reply to your reference to this department of the order of the Legislative Assembly, "that the proper officer do lay before this House a statement of the expenses of surveys, as regards the building or erecting a bridge on the *Ottawa*, from *Bytown* to *Hull*." I have the honour to inform you, that the sum paid the Engineer for making the survey referred to, furnishing plans, &c. including all costs whatever, of boatmen, labourers, and travelling expenses, amounts to the sum of Thirty Seven Pounds, Ten Shillings, currency.

I remain,

Sir,

Your very obedient servant,

Thomas A. Begley,
Secretary.

James Hopkirk, Esq.

Assistant Sec'y for the Province.

Montreal Limits'
Bill.

A Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient boundaries and limits of the City of *Montreal*, was, according to order, read a second time.¹¹

Sir A. MacNab objected to the Bill.¹²

((There ensued)) a short discussion¹³.

(30)

Ordered — That the said Bill be referred to a Committee of the whole House, on Monday next.

Members' seats'
Vacation Bill.

A Bill to make the law for vacating the seats of Members of the Legislative Assembly accepting office, and for filling up vacancies in that body, uniform throughout this Province, was, according to order, read a second time.

Ordered — That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Cameron took the Chair of the Committee,¹⁴

There was much discussion as to the occasions, on which Members should vacate their seats¹⁵.

(30)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Cameron, reported that the Committee had made some progress, and had directed him to move for leave to sit again.

(31)

Ordered — That the said Committee have leave to sit again, on Friday next.

The Honourable *Francis Hincks*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor-General :

Public Accounts.

Public Accounts from 1st October, 1840, to the 31st December, 1841.

[For the said Accounts see Appendix (K.) at the end of this volume.]

Ordered — That two hundred copies of the said accounts be printed in the French and English languages, for the use of the Members of this House.

The Honourable *Francis Hincks*, laid before the House, by command of His Excellency, the Governor-General :

Fee Fund.

Return to an Address from the House of Assembly, to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before the House, a copy of all returns of moneys received within the several Districts of that part of the Province formerly *Upper Canada*, created and raised as a fee fund by virtue of certain Acts of the last Session of the present Parliament ; also the amount of the fees paid, or liable to be paid, to the several District Judges and Clerks of the Division and District Courts thereof.

[For the said return, see Appendix (L.) at the end of this volume.]

The order of the day for the House in Committee, on the report of the Special Committee to which was referred the Petition of divers Proprietors and Inhabitants of the County of *Chambly*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Johnston* took the chair of the Committee, and after some time spent therein,¹⁶

Mr. *Yule* moved a Resolution to the effect, that those laws required amendment.¹⁷

(31)

Mr. Speaker resumed the chair,

And Mr. *Johnston* reported, that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolved — That it is expedient to amend the Act of the Legislature of *Lower Canada*, relative to the establishment of Mutual Fire Assurance Companies, and to extend the powers of the said Companies.

Ordered — That Mr. *Yule* have leave to bring in a Bill, to amend certain Acts therein mentioned relative to the establishment of Mutual Insurance Companies in *Canada East* ;

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Friday next.

Winter Roads.

The order of the day for the House in Committee to consider the expediency of amending two certain Ordinances relative to Winter Roads, in that part of the Province formerly called *Lower Canada*, being read.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. *Jones* took the chair of the Committee.¹⁸

Mr. *Kimber* said that some changes were necessary in this Act ; it was at present a species of tyranny, that gave universal dissatisfaction.¹⁹

Mr. Armstrong stated, that under the present law the farmer required two sets of sleighs: one to get his wood from the forests, the other to travel on the road.²⁰

or

Mr. Armstrong proposed that the ordinance should be amended, because in the greater part of Lower Canada, it was a dead-letter, the *habitants* refusing to comply with its provisions. The ordinance was a complete failure, for the *habitants* were a people who would not change their habits.²¹

Mr. Parent wished to repeal the whole law — it was an abominable tyranny.—²²

Mr. Turcotte followed in favour of its repeal.²³

Mr. Delisle did not wish the law to be repealed — it had done a great deal of good in his part of the country.²⁴

Mr. Moffatt spoke against its total repeal, inasmuch as it would be a backward step in Legislation. Good winter roads were now being made, and would it be right to return to the bad ones?²⁵

Mr. Hamilton said the Ordinance never had been carried into effect in Gaspé, and was there a dead letter. It was foolish to talk of making a road twelve feet wide in a country so thinly inhabited.—²⁶

Several other members spoke *pro et con*.²⁷

Mr. Viger ... said he was an enemy to every kind of legislation.²⁸

(31)

and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. Jones reported, that the Committee had come to a resolution, which resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth: —

Resolved — That it is expedient to amend and repeal, in part, two certain Ordinances passed by the Governor and Special Council of the late Province of Lower Canada, 3 and 4 Vict. cap. 25, and 4 Vict. cap. 33, relating to Winter Roads.

Ordered — That Mr. Armstrong have leave to bring in a Bill to amend and repeal, in part, two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province, formerly called Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on to-morrow.

Govr. General will receive the House half-past 3, to-morrow.

The Honourable S. B. Harrison, a Member of the Executive Council, reported to the House, that the Governor-General, having been waited upon, pursuant to their order of the nineteenth instant, humbly to know His Excellency's pleasure, when he will be attended by the House with their Address expressing their unmingled satisfaction that His Excellency has invited that large portion of their fellow subjects who are of French origin to share in the Government of their Country; had been pleased to appoint to be attended to-morrow, at half-past three o'clock, p. m.

Salt, Duties, &c.
Bill.

The order of the day for the House in Committee, to consider the expediency of repealing certain parts of an Act of the last Session imposing duties on Salt, Nets and other Fishing Tackle, being read,

The House accordingly resolved itself into the said Committee.

Mr. Forbes took the chair of the Committee.

Mr. Hamilton read ... as follows:

"1st. *Resolved* — That the Fisheries of the Inferior District of Gaspé are of vast importance to the prosperity of this Province, inasmuch as they form an excellent nursery for seamen

and give employment to a great number of ships and seamen, as well belonging to this Province as to the United Kingdom and to its other colonies, and also to the inhabitants of the lower parishes of the district of Quebec, who resort to the said inferior district for employment during the fishing season.

"2nd. *Resolved* — That the said fisheries, by affording a market for agricultural produce of all kinds, are greatly conducive to the encouragement of agriculture and the remuneration of the agriculturist in this Province.

"3rd. *Resolved* — That it is highly expedient to encourage the said fisheries in every way, and to relieve the persons engaged in them from the payment of duties on certain articles essentially necessary for carrying on the said fisheries, which duties form, in many cases, a heavy burden on the fishermen and are frequently sufficient to prevent his receiving an adequate return from his labour and capital.

"4th. *Resolved* — That it is expedient to exempt from Provincial duties, all nets, seines, hooks and fishing tackle, rope, yarn, oakum, pitch, tar, timber, iron, steel, salt, meal, molasses, and clothing imported into the Inferior district of Gaspé, for the use of the fisheries therein."

((He)) said, that formerly the District of Gaspé was exempt from import duties upon every thing connected with the fisheries. That in reducing the duty on salt, no notice was taken of Gaspé, and the consequence was an impost of one shilling per bushel, on salt, and so with other things. The fisheries of Gaspé were highly valuable as a nursery for seamen, and should be protected, not taxed. He strongly pointed out the injustice, nay cruelty of the present law, and did not think one single member would object to its alteration.²⁹

Mr. Harrison did not wish to oppose the principle of the proposed alteration, but thought it best, that the resolutions should lie upon the table, until the government measure alluded to in the speech was perfected. The whole of the revenue laws would undergo a revision, in order that they might not clash with the recent Tariff of the Imperial Parliament, and then justice should be done to Gaspé. He was friendly to the principle, and did not wish to see the house pledged prematurely.³⁰

Upon this understanding, **Mr. Hamilton** did not press the adoption of the other resolutions³¹.

The resolution was carried.³²

(31)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Forbes* reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, on Friday the thirteenth instant.

Then on motion of Mr. *Delisle*, seconded by the Honourable Mr. *Neilson*,

The House adjourned.

Appendix, 21 September 1842.

((Notice of Proposed Motions.))

Mr. Merritt gave notice of an address to His Excellency for a copy of a despatch, addressed by Lord Sydenham to the Colonial Secretary, dated Montreal, 25th May 1841, relative to the free admission of Colonial produce into the ports of Great Britain.³³

((Statement in BRITISH WHIG Brought Under Notice.))³⁴

Sir Allan MacNab said he wished to introduce to the notice of the House a statement of the British Whig, of yesterday evening, saying in speaking of the debate of Monday evening that "the Speaker had interdicted Mr. Cartwright from speaking until he had retracted his expressions." He (Sir Allan McNab,) said the Speaker did not interdict him, (Mr. Cartwright,) nor could he, and he wished to contradict (sic) the statement, that it should not go to the public, that such a thing had occurred.³⁵

Mr. Simpson said he thought the best way to act in the matter, was, to leave the Press to itself.³⁶

Doctor Dunlop said, that as all did not read the newspapers alike, it was well to contradict it, as perhaps some of the clodhoppers might take it up and imagine that such a thing was done by the Speaker.³⁷

Mr. Johnston said the House had no occasion to mind it, for the British Whig would be speaking while it was a Whig, and the House need not be frightened by a volley of types; he considered it nothing else.³⁸

The Speaker ((**Mr. Cuvillier**)) did not say anything whatever, either contradictory or confirmatory of the words alluded to by Sir Allan McNabb.³⁹

((Official Statement Re : Length of Session.))⁴⁰

Mr. Moffatt asked the gentlemen on the Treasury Benches for information as to the probable length of the session.⁴¹

Mr. Harrison was willing to give the required information. The government had come to the determination of having a short session. Those bills only would be passed which were required to carry on the government until next February, when the house would be called together again.⁴²

Members cried where ? where ?⁴³

Footnotes — 21 September 1842.

1. There were, in addition, several petitions brought up which were not found acceptable, according to the rules of the House: "Of District Councils of Kamouraska — rejected for informality ... of Toronto agricultural committee, praying imposition of duty on agricultural produce imported from the United States, rejected for informality...." KINGSTON CHRONICLE, 24 September 1842. This information was given in KINGSTON CHRONICLE, 24 September 1842, and MONTREAL TRANSCRIPT, 27 September 1842.

2. "Presented by Mr. Bouthillier." MONTREAL GAZETTE, 24 September 1842.

3. Presented by Mr. Smith, according to MONTREAL GAZETTE, 24 September 1842. It is not specified whether this was Henry or Harmanus Smith.

4. Presented by Mr. Neilson, according to MONTREAL GAZETTE, 24 September 1842.

5. Presented by Mr. Neilson, according to MONTREAL GAZETTE, 24 September 1842.

6. Presented by Mr. Parent, according to MONTREAL GAZETTE, 24 September 1842.

7. The following motion was mentioned by BRITISH COLONIST, 28 September 1842; MONTREAL GAZETTE, 24 September 1842; MONTREAL TRANSCRIPT, 27 September 1842.

8. MONTREAL TRANSCRIPT, 27 September 1842.

9. The KINGSTON CHRONICLE, 24 September 1842, and the EXAMINER, 28 September 1842, in identical accounts, give a slightly different account of this. "On motion of Mr. Quesnel, Messrs. Neilson and Aylwin were added to the committee to investigate outrages alleged to have been committed at elections in Lower Canada, in place of Messrs. Draper and Baldwin."

10. However, the MONTREAL TRANSCRIPT, of 27 September 1842, reported that: "Mr. Watts brought forward a motion for copies of correspondence relative to James Bracker of Wendover, but on consequence of the absence of all the members for the Treasury Benches, he withdrew it at the suggestion of Mr. Simpson.

11. The BRITISH COLONIST, 28 September 1842; MONTREAL TRANSCRIPT, 27 September 1842; and LE CANADIEN, 26 September 1842, all mentioned that a debate took place on this motion.

12. MONTREAL TRANSCRIPT, 27 September 1842.

13. IBID.

14. The debate on this was mentioned by : BRITISH COLONIST, 28 September 1842, and MONTREAL TRANSCRIPT, 27 September 1842.

15. MONTREAL TRANSCRIPT, 27 September 1842.

16. The discussion in committee was reported by : MONTREAL TRANSCRIPT, 27 September 1842; KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts.

17. MONTREAL TRANSCRIPT, 27 September 1842.

18. The debate on this matter was reported by : BRITISH COLONIST, 28 September 1842; MONTREAL GAZETTE, 24 September 1842 ; MONTREAL TRANSCRIPT, 27 September 1842 ; LE CANADIEN, 26 September 1842, and by KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts. The reports in the BRITISH COLONIST and the MONTREAL TRANSCRIPT are worded very similarly for most speakers.

19. MONTREAL GAZETTE, 24 September 1842.

20. IBID.

21. BRITISH COLONIST, 28 September 1842.

22. MONTREAL TRANSCRIPT, 27 September 1842.

23. BRITISH COLONIST, 28 September 1842.

24. MONTREAL TRANSCRIPT, 27 September 1842.

25. IBID.

26. IBID.

27. IBID.

28. IBID. The MONTREAL TRANSCRIPT also mentions that: "What more the worthy member said, could not be heard in the box, by reason of his speaking so low and indistinctly."

29. BRITISH COLONIST, 28 September 1842.

30. IBID.
31. IBID.
32. IBID.
33. KINGSTON CHRONICLE, 24 September 1842. The CHRONICLE misdated this despatch, which was actually dated 26 May 1840.
34. The debate on this question was reported by: MONTREAL GAZETTE, 24 September 1842; MONTREAL TRANSCRIPT, 27 September 1842; and in identical accounts in KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842.
35. MONTREAL TRANSCRIPT, 27 September 1842.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. The debate on this was reported by: KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts ; and by LE CANADIEN, 26 September 1842 ; LA MINERVE, 23 September 1842 ; BRITISH COLONIST, 28 September 1842.
41. BRITISH COLONIST, 28 September 1842.
42. IBID.
43. IBID.

Thursday, 22 September 1842.

Address on
present forma-
tion of Executive
Council.

(31)

At the hour appointed, Mr. Speaker and the House attended upon His Excellency, the Governor-General, with the Address of the House ; And being returned,²

Mr. Speaker reported, that the House had attended upon His Excellency, the Governor-General, with their Address of Monday last, to which he had been pleased to make the following answer :

Gentlemen,

Your Address has given me great pleasure. I rejoice to find that the House of Assembly views with unmixed satisfaction the course which I have taken of inviting to my Council persons belonging to, and possessing the confidence of, that portion of the Inhabitants of the Province, who, although differing in origin, are fellow-subjects with the rest, partakers of the same constitution, and animated by the same spirit of devotion to our most Gracious Sovereign.

I trust that the measure thus auspiciously introduced may, in its result, prove most conducive to the permanent welfare of the Province, and to the happiness and contentment of its Inhabitants ; and I rely upon your wisdom and prudence in assisting me in my efforts for the attainment of this my great object.

Mr. Morris moved, seconded by Mr. Dunscomb, that one thousand copies of the said Address, and answer thereto, be printed for the use of the Members of this House — to wit, five hundred in the English and five hundred in the French languages.

Sir Allan N. MacNab moved, in amendment, seconded by Mr. Cameron, that all the words after "That," in the said motion, be struck out, and the following substituted : "one thousand copies of the

(32)

"Resolution, on the subject of the late changes in the Executive Council of this Province, introduced by the honourable Member for Beauharnois, with the proceedings thereon, together with the Address of this House, and His Excellency's reply thereto, with the yeas and nays, be printed for the use of the Members of this House."²

((Sir Allan MacNab said :)) It was right the country should know what were the feelings in the House, and that was the only way it could be done.³

Mr. Cameron seconded Sir Allan's motion, and thought that the publication of the whole transaction would strengthen the Government, and show its unanimity.⁴

Mr. Viger was opposed to the printing of all the correspondence, as it would be a bad precedent.⁵

Sir Allan ((MacNab)) thought that the subject had excited great interest, and as the hon. member for Beauharnois had introduced a motion, which appeared to him and others like a vote of confidence, it was right the Country should know the yeas and nays upon the point, tho' he was in a great minority.⁶

Mr. Hincks could see no objection to publishing the whole.⁷

Mr. Moffatt spoke in favor of it.⁸

And **Mr. Boswell** opposed it, and thought the argument singular that the majority ought to give up through courtesy to the minority.⁹

Captain Steele said he would vote for the amendment, as enabling the country to form a correct judgment of the actual position of the house as regards the late changes in the administration. His honourable friend, the member for Leeds, Mr. Morris, very properly considered the original address, as moved by Mr. Dunscombe, as going too far, and as pledging the house to a premature confidence in the administration; he considered the amended address of his honourable friend as all that was required; and that for his part he would be guided in his support, or disapprobation, by the measures of the Executive Council, — as the best test by which to judge of their capacity to administer the affairs of the Province.¹⁰

(32)

The question having been put upon the motion of amendment, a division ensued; and the names being called for, they were taken down as followeth :

YEAS.

Armstrong, Barthe, Black, Burnet, Cameron, Crane, Delisle, DeWitt, Duggan, Durand, Forbes, Foster, Hale, Hamilton, Hincks, Johnston, Jones, Sir Allan N. MacNab, Moffatt, Moore, Papineau, Parent, Powell, Roblin, Harmannus Smith, Steele, Taché, Thompson, Turcotte, Turgeon, Woods and Yule. (32.)

NAYS.

Berthelot, Boswell, Child, Cook, Daly, Dunn, Dunscomb, Gilchrist, Holmes, Kimber, Leslie, D. McDonald, Merritt, Neilson, Noel, Parke, Henry Smith, Taschereau, D. B. Viger, L. M. Viger, and Williams. (21.)

So it was carried in the affirmative.

The question being then put on the main motion, as amended, it was agreed to by the House.

Ordered — Accordingly.

30 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table : —

By the Honourable Mr. Dunn, the Petition of the British America Fire and Life Assurance Company; and the Petition of William Robertson, and others, Teachers in the township of Esquesing.

By the Honourable Mr. Hincks, the Petition of the Municipal Council of the District of Brock.

By Mr. Woods, the Petition of Duncan Warren, and others, of the township of Howard; the Petition of D. D. Gesner, and others, of the township of Oxford; the Petition of Charles Grant, and others, of the township of Tilbury East; the Petition of Samuel Smith, and others, of the Western District; and the Petition of Neil McQuane, and others, of the township of Greenwich.

By Captain Steele, the Petition of Thomas Ferguson, of the township of Oro; the Petition of John Thompson, and others, of the township of Orrillia; and the Petition of Thomas Driffl, and others, of West Gwillimbury, and adjoining townships.

By Mr. Williams, the Petition of the Municipal Council of the District of Cobborne; the Petition of the Agricultural Society of the County of Durham; and the Petition of John Lister, and others, denominated Bible Christians.

By Mr. Harmannus Smith, the Petition of Nathan Gage, and others, of the township of Dumfries, and other places.

By Mr. Merritt, the Petition of Simon Fraym, and others, of Sophiasburgh.

By Mr. Moore, the Petition of William Morris, and others, Inhabitants of the Eastern townships, of Canada East; the Petition of Alexander Rea, Justice of the Peace for the District of St. Francis; and the Petition of Alanson Cummings, and others, of the township of Comp-ton, in the District of St. Francis.

DEBATES OF LEGISLATIVE ASSEMBLY

By Mr. Cameron, the Petition of *Samuel Street*, of the township of *Stamford*; the Petition of *Henry Ince*, of *Amherstburgh*; and the Petition of the Reverend *Angus MacDonell*, and others, of *Sandwich*.

By the Honourable Mr. Jones, the Petition of *William Baker*, and others, Trustees of the *Dunham Academy*.

By Mr. Powell, the Petition of *Alice Ann Keeler*, of *Brantford*.

By Mr. Hale, the Petition of *William Macrae*, Collector of Customs at the Port of *St. Johns*.

By the Honourable Mr. Neilson, the Petition of *J. J. Nesbitt*, and others, Inhabitants of the *St. Roch's* and *St. Vallier* Suburbs of *Quebec*, and neighbouring parishes.

By Sir *Allan N. MacNab*, the Petition of *William Ross*, and others.

By Mr. Black, the Petition of the Committee of Ladies conducting the affairs of the Protestant Female Orphan Asylum, at *Quebec*; the Petition of the Ladies composing the Managing Committee of the Male Orphan Asylum, at *Quebec*; the Petition of *H. Gowan*, and others, of *Quebec*; and the Petition of *H. W. Harris*, Captain of the 24th Regiment of Foot.

Petitions read.

Pursuant to the order of the day, the following Petitions were read : —

Of *William Phillips*, and others, praying an indemnity for losses sustained by them, in consequence of the destruction of certain property by Her Majesty's troops, during the late Rebellion.

Of *P. J. Heroux*, and others, praying an aid for a road, from the *St. Gregoire* road to the *Craig's* road, in *Canada East*.

Of the Municipal Council of the *Colborne* District, praying that 48th Section of the Municipal Act may be so amended as to authorise the commutation of statute labour.

Of the Municipal Council of the District of *Colborne*, praying that the Common School Act, passed in the last Session of the present Parliament, be amended.

Of the Municipal Council of the District of *Brock*, praying that a duty be laid on American produce, introduced into this Province, for the protection of Agriculturists.

Of the Municipal Council of the District of *Brock*, praying that the time allowed by law to absentees for the payment of land taxes, may be shortened.

Of the Municipal Council of the District of *Brock*, praying that the Common School Act, of the last Session of the present Parliament, be amended.

Of the *Montreal Fire Assurance* Company, praying for an extension of their Charter.

Of *James Gibb*, *John Munn*, and others of *Quebec*, praying for an Act to incorporate them under the style and title of "The City of *Quebec Gas Light and Water Company*."

Resolved — That the Petition of the Municipal Council of the *Niagara* District, praying for amendments to the present system of assessment, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.¹¹

Ordered — That Mr. *Merritt*, Mr. *Roblin*, Mr. *Dunlop*, Captain *Steele*, and Mr. *Thompson*, do compose the said Committee.

Ordered — That the Petition of the Municipal Council of the *Niagara* District, praying for the completion of the main road from *Queens-ton* to *Grimsby*, be referred to the said Committee.

Montreal Fire Assurance.

Of Gibb, Munn, and others.

Petitions referred :
Municipal
Council Nia.

Ditto.

Ditto.

Ordered — That the Petition of the Municipal Council of the *Niagara* District, praying for an alteration in the site of the District Town, be referred to the said Committee.¹²

Ditto.

Ordered — That the Petition of the Municipal Council of the District of *Niagara*, praying that a tax be laid on Roulette Tables, and all places of resort for the purpose of gambling, be referred to the said Committee.¹³

Ditto.

Ordered — That the Petition of the Municipal Council of the *Niagara* District, praying for amendments to the Municipal Council, and

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District School Acts, be referred to the said Committee.¹⁴

John Knowlson,
and others.

Resolved — That the Petition of *John Knowlson*, and others, of the Townships of *Cavan* and *Manvers*, presented to the House on the fifteenth instant, be referred to a Select Committee, composed of Messieurs *Williams*, *Cameron*, *Steele*, *DeWitt*, and *Roblin*, to examine the contents thereof, and report thereon with all convenient speed; with power to send for persons, papers, and records.¹⁵

Walter Willson,
and others.

Resolved — That the Petition of *Walter Willson*, and others, Inhabitants of the town of *Niagara*, presented to the House on the sixteenth instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.¹⁶

Ordered — That Mr. *Thompson*, Sir *Allan N. MacNab*, Mr. *Merritt*, Mr. *Dunlop*, and Mr. *Durand*, do compose the said Committee.

Montreal Fire
Assurance
Compy.

Resolved — That the Petition of the *Montreal Fire Assurance Company*, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That the Honourable Mr. *Moffatt*, Mr. *Leslie*, Mr. *Dunscomb*, Mr. *Holmes*, and Mr. *DeWitt*, do compose the said Committee.

Bill for Inspection
of Pot and
Pearl Ashes.

The Honourable Mr. *Moffatt*, from the Special Committee to which was referred the Resolution of this House, of the nineteenth instant, relating to the Inspection of Pot and Pearl Ashes, with power to report by Bill or otherwise, presented to the House a Bill to regulate the Inspection of Pot and Pearl Ashes, which was received and read for the first time, and ordered to be read a second time, to-morrow.

Mr. Neilson¹⁷ inquired concerning the answer to certain Despatches sent to the Home Government in the last Session.¹⁸ ((Ces dépêches portaient sur le)) siège du gouvernement.¹⁹

Mr. Harrison said the answer would be laid on the table to-morrow.²⁰

Interpellé (sic) par le même ((**M. Neilson**)), il ((**M. Harrison**)) a répondu qu'il avait aussi été reçu une réponse à l'adresse au sujet de l'amnistie; que ce sujet embrassait une foule de considérations graves et pour cette raison, il demanda un peu de temps avant de donner une réponse formelle.²¹

Interpellé (sic) par **M. Black**, il ((**M. Harrison**)) a répondu que la réponse à l'adresse relative au commerce des bois serait communiquée à la chambre sans délai.²²

Sir Allan MacNab wished to know what additions were made to the Cabinet within the last two or three days. (A laugh.)²³

Mr. Harrison. — Mr. Speaker I will answer that to-morrow. (Hear, hear.)²⁴

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The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, three certain Returns, vitz :

DEBATES OF LEGISLATIVE ASSEMBLY

Population, U. C.

Population, (1841) *Upper Canada*, pursuant to Provincial Act, (U.C.) 1 *Vic.* cap. 21.

[For the said Returns, see Appendix (M.) at the end of this Volume.]

Assessment Returns, U. C.

Assessment Rolls, (1841) *Upper Canada*, pursuant to Provincial Act, (U.C.) 59 *Geo. 3.* cap. 7.

[For said Returns, see Appendix (N.) at the end of this Volume.]

Treasurers' Accts. U. C.

Treasurers' Accounts, (1840 and 1841) *Upper Canada*, as far as yet received, pursuant to the Provincial Statute, (U.C.) 59 *Geo. 3.* cap. 7.

[For said Returns, see Appendix (O.) at the end of this Volume.]

Debentures.

The Honourable *J. H. Dunn*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, Schedule of Government Debentures, redeemed and outstanding, issued under the authority of Acts of the Legislature of the late Province of *Upper Canada*.

[For the said Schedule, see Appendix (P.) at the end of this Volume.]

York contested Election.

Mr. *Roblin*, Chairman of the Select Committee appointed to try the merits of the Petitions of *Connell James Baldwin*, Esquire, and others, complaining of the undue election and return of *George Duggan*, Esquire, as a Member to represent the Second Riding of the County of *York*, in the present Parliament, reported to the House, that Mr. *Crane*, a Member of the Committee, was this day absent therefrom for the space of one hour, from the time of meeting, which the Committee reports to the House, agreeably to the provisions of the Statute.

On motion of Mr. *Black*, seconded by Mr. *Burnet*,

Ordered — That the order of the day for the House in Committee, to consider the expediency of amending the Act of the Legislature of *Lower Canada*, 47 *Geo. 3.* cap. 9, intituled, "An Act to prevent the 'desertion of Seamen and others in the Sea Service; to punish persons 'encouraging such Seamen and others to desert, or harbouring or 'concealing them thereafter; and to repeal certain Acts therein mentioned,'" lost by the adjournment of the House of Tuesday last, be revived, and that this House do now resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. *Henry Smith* took the Chair of the Committee,²⁵ and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Henry Smith* reported, that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received to-morrow.

Fees and Salaries to Judges, &c. Division Courts.

Ordered — That two hundred copies of the Returns of the amount of Fees received, of the expenditure, and excess of expenditure, from the Consolidated Fund, pursuant to Acts of the Legislature, of last Session; and of Salaries paid to the Judges of District and Division Courts, District Clerks and Division Clerks, laid before the House, yesterday, be printed for the use of Members of this House.

On motion of Mr. *Merritt*, seconded by Mr. *Williams*,

Resolved — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of a Despatch from the Right Honourable *C. Poulett Thomson*, Governor General of this Province, to Lord *John Russell*, dated Government House, *Montreal*, 26 May, 1840, transmitting an Address from the Legislature of the late Province of *Upper Canada*, praying for the introduction of Canadian Corn into *Great Britain*, free from Duty, and to empower the Legislature of this Province to originate measures relating to the Colonial Trade, generally, together with copies of all Despatches, or other communica-

Address for despatch on Colonial trade, &c. &c.

tions, with the Colonial Secretary, on the subject of Duties on the agricultural productions and commerce of this Province, since that period.²⁶

Mr. Harrison said that measures were now in preparation by the Government to regulate protection duties on Agricultural produce. —²⁷ Such information as would suit the Honorable Gentleman's views would be laid before the House in a day or two.²⁸

Mr. Moffatt said the despatches called for were in the library.²⁹

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Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Justices qualifi-
cation Bill.

A Bill to revive a certain Act of the Legislature of *Lower Canada*, for the qualification of the Justices of the Peace, was, according to order, read a second time.

Ordered — That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Hopkins took the Chair of the Committee.³⁰

Mr. Harrison considered the law a proper one. It relieved the executive of an onerous duty, and afforded protection to those who might suffer from the illegal acts of magistrates.³¹ ((He)) was in favour of the principle that there should be a money qualification, but would not have it too large.³²

Sir Allan MacNab objected to the bill, and instanced officers in the Navy and Army, whom the government might wish to make magistrates, and who could not be expected to hold real estate.³³

Dr. Dunlop found it difficult to get men sufficiently qualified without such qualifications, some were qualified with little bona fide property, and many who had it were unqualified. — he thought that the same qualification that entitled them to vote for a M. P. should entitle them to be a J.P., and that if a £300 qualification be required it would deprive him of some of his most efficient men.³⁴ ((He)) said the bill would act badly in the newly settled townships. Many a good magistrate might have personal property worth hundreds, and yet not having paid up the last instalment upon his farm, could not be said in law to possess anything.³⁵

Mr. Moffatt observed, that if the committee agreed to the principle of the bill, the details could be settled very easily afterwards.³⁶

Mr. Henry Smith was of opinion, that the law should be made to extend to Canada West. There was no person in the county he represented, fit to be made a Justice of the Peace, whose farm was not worth £300. He should then wish the committee to rise, report progress, and ask leave to sit again, with a view to the extension of the bill.³⁷

Mr. Harrison objected to this procedure inasmuch as the committee was appointed to consider the propriety of reviving a law of Canada East, not to make a law for Canada West.³⁸ ((He)) thought ... that the committee ought to rise and report progress.³⁹

Mr. Williams said the bill should be made a general measure. It was of vital importance, that magistrates should be possessed of tangible property.⁴⁰

Mr. Smith supported the principle of the Bill.⁴¹

Mr. Johnston advocated strongly the necessity of justices of the peace being worth something. The most cruel and unjust actions were daily committed by magistrates, not worth one farthing, who laughed at and defied those whom they had wronged.⁴² The Bill ought to apply to both Provinces, and ... there was no man worthy of being made a Magistrate, who, after being a few years in this country, had not made £300.⁴³

Mr. Cameron had no objection to the extension of the law, only he feared the qualification was too high. There were few farms of one hundred acres in the county he represented,

(Lanark) which were worth £300, and the bill would disqualify many worthy and useful men.⁴⁴

Sir Allan MacNab said that since the house had decided that a District Councillor should be worth £300, certainly a J.P. is not less important⁴⁵.

Mr. Kimber agreed ... that qualification prevented many Townships from having District Councils at all, and disqualified men who were well qualified in every other respect.⁴⁶

Mr. Roblin thought the qualification too high, not in his county, but in newly settled townships. He knew of a township in Hastings containing inhabitants sufficient to entitle them to one councillor, but who were unable to find a man residing in it of the required qualification — their farms were not paid for.⁴⁷

Mr. Holmes considered it the duty of the house, upon every occasion that presented itself, to assimilate the laws of both sections of the Province. Here was a fitting opportunity.⁴⁸

or

Mr. Holmes thought attempts to identify the two Provinces would fail⁴⁹.

Mr. Neilson said, that if Mr. Holmes waited until the laws of East and West Canada were assimilated, he would have to wait a long time.⁵⁰ ((He)) thought that time only could do this, as it was impossible to abolish long established laws without it was done by force.⁵¹

Mr. Hamilton thought the inhabitants of L. C. were generally satisfied with the Bill.⁵² The qualification was not wanted in Gaspé. He knew a dozen magistrates, who could neither read, write, nor sign their name, and yet had the required qualification, whereas there were several valuable and intelligent men, ineligible for the situation, because they were not free-holders, but the agents of companies and capitalists.⁵³

Mr. Jones introduced the bill.⁵⁴

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Judges qualification.

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hopkins reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

(34)

Salmon Fishery Bill.

Ordered — That the said Committee have leave to sit again, to-morrow.

On motion of the Honourable Mr. Jones, seconded by Sir Allan N. MacNab,

Ordered — That the said order be discharged, and that the said Bill be referred to a Special Committee, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That the Honourable Mr. Jones, the Honourable Mr. Neilson, Mr. Henry Smith, Mr. Williams, and Mr. Kimber, do compose the said Committee.

Ordered — That it be an instruction to the said Committee to consider and report to this House, the expediency of extending the provisions of said Bill to that part of this Province lately called *Upper Canada*.

The order of the day for the second reading of the Bill to regulate Salmon Fisheries in the District of *Gaspé* being read,

Ordered — That the said order of the day be postponed, until Monday next.

Winter Roads Bill.

A Bill to amend and repeal, in part, two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province formerly called *Lower Canada*, was, according to order, read a second time.

Resolved — That the said Bill be referred to a Select Committee, composed of Messieurs Armstrong, Parent, Neilson, Kimber, Holmes,

Barthe, and *Leslie*, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Registry Offices.

The order of the day for the House in Committee to consider the expediency of amending the Ordinance of the Special Council of the late Province of *Lower Canada*, establishing Registry Offices, being read,

The House accordingly resolved itself into the said Committee.
Mr. *Roblin* took the chair of the Committee;⁵⁵

Mr. Harrison said this was one of the measures which the Government intended to pass during the present short session. He did not mean to meddle with the general principles of the bill; he merely wished to extend the time for the enregistration of deeds ... which would expire on the last of the year. He thought the extension of time should be until thirty days after the expiration of the next session of Parliament. The law of Registration could not be said to have gone properly into effect until the past transactions were settled.⁵⁶

Mr. Merritt thought some definite time should be fixed for its extention (sic).⁵⁷

Mr. Jones thought the ordinance was neither adapted to the circumstances, or consonant with the feelings of the Lower Canadians, there being only 1 registry office, it put the people to great inconvenience travelling 40 or 50 miles, and Mr. Jones moved that the House concur in the resolution.⁵⁸

Mr. Neilson thought the time should be specified, and if Mr. Jones was understood correctly, the time was one year hence.⁵⁹

(34)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Roblin* reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient to amend the Ordinance of the Governor and Special Council of the late Province of *Lower Canada*, establishing Registry Offices.

Ordered — That the Honourable Mr. *Jones* have leave to bring in a Bill to extend the time allowed by the Ordinance therein mentioned, for the registration of certain charges or incumbrances on Real Estate;

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time to-morrow.

Boundary Commissioners' Act.

The order of the day for the House in Committee, to consider the expediency of continuing and amending an Act passed by the Legislature of the late Province of *Upper Canada*, in the first year of Her Majesty's reign, intituled, "An Act to authorise the establishment of Boards "of Boundary Line Commissioners, within the several Districts of "this Province," being read ;

The House accordingly resolved into the said Committee.

Mr. *Morris* took the Chair of the Committee,

Mr. Borne considered the act a complete failure. Instead of preventing litigation, it had greatly augmented it. The principle of the act was bad, for it gave to these men the full powers of the Court of Queen's Bench. In nineteen cases out of twenty, the judgments of these commissioners were reviewed by the Courts above. He wished the house to reflect upon one absurd decision, which divided the Scotch Church in Kingston between Archdeacon Stuart and Mr. Murney.⁶⁰

Mr. Durand coincided in opinion with the last speaker. The act had proved a golden harvest for the Lawyers, for every decision was appealed against. In his part of the country the act had been productive of much mischief. He instanced a case where a man lost his whole property through the ignorance of the commissioners.⁶¹

Mr. Williams strongly objected to the amending of the act; Barns, houses, fields, nay, entire farms were taken from one person and given to another; and the inhabitants of whole concessions were injured to serve one man. The cost of the decision after amounted to nearly £80.⁶²

Mr. Johnston thought the commissioners not competent to decide such important matters; they acted very arrogantly, insolently, and ignorantly, and hesitated not to remove landmarks, although expressly forbid to do so by the Statute. The act should not be renewed.⁶³

Mr. Harrison was against renewing the act. He thought the ordinary tribunals of the country sufficient to do justice between man and man. It would be well to let the act die a natural death.⁶⁴

Mr. Merritt supported the renewal of the Act. There were no grounds to charge the Commissioners with these crimes. The act was found highly useful and necessary in a new country. If it worked badly, let the fault be remedied; but the act ought not to be destroyed altogether.⁶⁵

Mr. Parke thought the act might be so modified as to be productive of much good. If the house did away with the act, and did not substitute something else in its place, a great wrong would be committed.⁶⁶

Mr. Roblin thought the law a necessary evil; its faults had been greatly overcharged. The commissioners had brought to light and remedied many things that would have come to light some day or other, and produced great confusion.⁶⁷

Mr. Woods said that nine-tenths of the people of the Western District were opposed to the renewal of the act.⁶⁸

Mr. Duggan said the act had given general dissatisfaction, and had been a very fruitful source of litigation; in fact a complete failure. The time of the Court of Queen's Bench was constantly occupied in trying appeals, in which the judgments were universally reversed.⁶⁹

((There was)) some further discussion⁷⁰.

The act was thrown out, by the chairman's ((**Mr. Morris'**)) leaving the chair.⁷¹

(34)

and after some time spent therein,
Mr. Speaker resumed the Chair.

Judicature Act,
Gaspé

The order of the day for the House in Committee, to take into consideration the expediency of altering and amending the Judicature Act, relating to the District of Gaspé, being read;

On motion of Mr. Hamilton, seconded by Mr. Kimber,
Ordered — That the said order of the day be discharged.

Then, on motion of Mr. Hamilton, seconded by Mr. Sherwood,
The House adjourned.

Appendix, 22 September 1842.

((Regulation of Trial by Impeachment.))⁷²

The first order of the day was the Bill to regulate ... ((trial)) by impeachment, but **Mr. Moffatt** would not proceed with it as the Session was to be so short.⁷³

Footnotes — 22 September 1842.

1. "At 4 o'clock." MONTREAL TRANSCRIPT, 29 September 1842.

2. The debate on this motion was published in: MONTREAL GAZETTE, 26 September 1842; BRITISH COLONIST, 28 September 1842; MONTREAL TRANSCRIPT, 29 September 1842; and in KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts.

3. MONTREAL TRANSCRIPT, 29 September 1842.

4. KINGSTON CHRONICLE, 24 September 1842.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. BRITISH COLONIST, 28 September 1842.

11. "Moved by Mr. Merritt." MONTREAL TRANSCRIPT, 29 September 1842.

12. Moved by Mr. Merritt, according to MONTREAL TRANSCRIPT, 29 September 1842.
 13. Moved by Mr. Merritt, according to MONTREAL TRANSCRIPT, 29 September 1842.
 14. Moved by Mr. Merritt, according to MONTREAL TRANSCRIPT, 29 September 1842.
 15. "Moved by Mr. Williams." MONTREAL TRANSCRIPT, 29 September 1842.
 16. "On the motion of Mr. Thompson." MONTREAL TRANSCRIPT, 29 September 1842.
 17. The following exchanges were reported by: MONTREAL TRANSCRIPT, 29 September 1842; BRITISH COLONIST, 28 September 1842; LA MINERVE, 26 September 1842; and LE CANADIEN, 28 September 1842. All our sources agree that these exchanges took place in this context, and so they are inserted here rather than our appendix although there is no mention of it in the JOURNALS.
 18. MONTREAL TRANSCRIPT, 29 September 1842.
 19. LE CANADIEN, 26 September 1842.
 20. MONTREAL TRANSCRIPT, 29 September 1842.
 21. LE CANADIEN, 26 September 1842.
 22. IBID.
 23. MONTREAL TRANSCRIPT, 29 September 1842, LE CANADIEN, 26 September 1842, mentions that: "Chacun savait qu'il s'agissait de M. Aylwin, qui n'a pas, par délicatesse, paru a (sic) son siège à la séance d'hier."
 24. MONTREAL TRANSCRIPT, 29 September 1842.
 25. This matter was mentioned by: MONTREAL TRANSCRIPT, 29 September 1842; BRITISH COLONIST, 28 September 1842; and by KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts. The KINGSTON CHRONICLE noted that one of the changes to be made was "to substitute 7½d per day for 1s 6d when in gaol."
 26. This debate was reported by: KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts; MONTREAL TRANSCRIPT, 29 September 1842; and BRITISH COLONIST, 28 September 1842.
 27. KINGSTON CHRONICLE, 24 September 1842.
 28. MONTREAL TRANSCRIPT, 29 September 1842.
 29. KINGSTON CHRONICLE, 24 September 1842.
 30. BRITISH COLONIST, 28 September 1842: "This bill ... was to revive an expired law of Canada East, which required magistrates to be possessed of property, in fee simple, to the value of £300." The debate on this bill was reported by: KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts; LE CANADIEN, 26 September 1842; LA MINERVE, 28 September 1842; and BRITISH COLONIST, 28 September 1842.
 31. BRITISH COLONIST, 28 September 1842.
 32. KINGSTON CHRONICLE, 24 September 1842.
 33. BRITISH COLONIST, 28 September 1842.
 34. KINGSTON CHRONICLE, 24 September 1842.
 35. BRITISH COLONIST, 28 September 1842.
 36. IBID.
 37. IBID.
 38. IBID.
 39. KINGSTON CHRONICLE, 24 September 1842.
 40. BRITISH COLONIST, 28 September 1842.
 41. KINGSTON CHRONICLE, 24 September 1842.
 42. BRITISH COLONIST, 28 September 1842.
 43. KINGSTON CHRONICLE, 24 September 1842.
 44. BRITISH COLONIST, 28 September 1842.
 45. KINGSTON CHRONICLE, 24 September 1842.
 46. IBID.
 47. BRITISH COLONIST, 28 September 1842.
 48. IBID.
 49. KINGSTON CHRONICLE, 24 September 1842.
 50. BRITISH COLONIST, 28 September 1842.
 51. KINGSTON CHRONICLE, 24 September 1842.
 52. IBID.
 53. BRITISH COLONIST, 28 September 1842.
 54. KINGSTON CHRONICLE, 24 September 1842.
 55. This debate was reported by: LA MINERVE, 28 September 1842; BRITISH COLONIST, 28 September 1842; and KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts.
 56. BRITISH COLONIST, 28 September 1842.
 57. KINGSTON CHRONICLE, 24 September 1842.
 58. IBID.
 59. BRITISH COLONIST, 28 September 1842.
 60. IBID.
 61. IBID.
 62. IBID.
 63. IBID.
 64. IBID.
 65. IBID.
 66. IBID.
 67. IBID.
 68. IBID.
 69. IBID.
 70. IBID.
 71. IBID.
 72. KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842 both reported this matter, in identical words.
 73. KINGSTON CHRONICLE, 24 September 1842. The CHRONICLE reported the word "hire" rather than "trial." This was obviously a mistake in hearing on the part of the reporter.

Friday, 23 September 1842.¹

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4 Petitions
brot. up.

The following Petitions were severally brought up, and laid on the table : —

By Mr. Parke, the Petition of Z. S. W. Richardson, and others, of the township of Bayham.

By Mr. Yule, the Petition of the Reverend P. M. Mignault, Founder and Superior of the College of Chambly.

By Mr. Simpson, the Petition of G. Beaudet, and others, of the county of Vaudreuil.

By Mr. Parent, the Petition of F. X. Rochette, and others, Inhabitants of the Coast of Labrador.

Petitions read ;
G. Dauth.

Pursuant to the order of the day, the following Petitions were read :

Of Gaspard Dauth, of St. Anne Lapérade, complaining of losses sustained in the construction of the Bridge over the River St. Anne, in the said parish, and praying relief.²

J. Gilchrist.

Of John Gilchrist, of Peterboro', praying for compensation for damages, caused by the Dam at the Public Works at Crook's Rapids, on the River Trent.

Municipal Council,
Newcastle.

Of the Municipal Council of the District of Newcastle, praying for certain alterations in the Act of the last Session of the present Parliament, establishing Municipal Councils.

Medical School,
Montreal.

Of the Medical School of Montreal, in connexion with the McGill College, praying for an aid.

Montreal Aux.
Bib. Soc'y.

Of the Montreal Auxiliary Bible Society, praying to be allowed to import copies of the Holy Scriptures, free of duty.

Parish of Laprairie
de la Magdeline.

Of the Protestant Episcopal Residents of the parish and seignory of Laprairie de la Magdeline, praying an aid for building a Parsonage House, and improving the Church in the said parish.

Æneas Bell.

Of Æneas Bell, of the city of Toronto, a Messenger in the late House of Assembly of Upper Canada, praying that the pension allowed him by the House during the last Session of the present Parliament, be increased.

Smith & Anderson.

Of Charles Smith and Anthony Anderson, of Quebec, praying for an extension of the Act allowing the constructing of the Dorchester Bridge across the River St. Charles.

J. B. Forsyth,
and others.

Of J. Bell Forsyth, and others, of Quebec, praying to be incorporated into a Joint Stock Company, for the purpose of building a Bridge across the River St. Charles.

J. E. Heath,
and others.

Of J. E. Heath, and others, of the city and neighbourhood of Quebec, praying that an application for leave to construct a Toll Bridge across the River St. Charles, be granted.

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Mrs. A. Bouchette.

Of Mrs. Adelaide Bouchette, of Quebec, widow of the late Joseph Bouchette, Surveyor General, praying for a pension, in consideration of the services of her late husband.

W. V. Bacon.

Of *William Vynne Bacon*, of *Kingston*, praying to be admitted as an Attorney and Solicitor in the Courts of Queen's Bench and Chancery, in *Canada West*.

City of Quebec.

Of the Mayor, Aldermen, and Citizens of the city of *Quebec*, praying that an Act be passed incorporating certain persons under the style and title of "The *Quebec Gas Light and Water Company*."

R. F. Gourlay.

Of *Robert F. Gourlay*, of *St. Catharines*, praying for redress of certain private grievances.³

The Speaker ((**Mr. Cuvillier**)) stated that the petition was informal and contained improper language.⁴

Mr. Neilson said the petition was that of a man who had been ruined by acts not authorized by law. He was feeble in body and in mind, the result of the persecution which he had sustained, and he thought the House should overlook the informality. The petition desired merely that the House would act upon the report of a committee of the House of last session, and the address then adopted.⁵

Dr. Dunlop said that it would be in the recollection of the House, that he had brought the case of Mr. Gourlay before the House at its last session. If the petition was unparliamentary, it was not to be wondered at. That individual had sustained persecutions — terrible persecutions for the space of twenty-five years; he had been ruined in his fortune, in his health, and it was not too much to say, that his mind had been shattered by disease. In such a case it would be a hardship for the House to deal strictly with his petition. It was only last year that they had taken from above his head the sentence to hang him. The Government had the power to order the Sheriff at any moment to hang him up, as he had said before, even at the lamp posts of the House. He hoped the House would look compassionately and humanely on the frailties of a man who had been so much abused.⁶

The Address was read, and on the motion being put was received.⁷

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Petitions referred :
J. Gilchrist.

Resolved — That the Petition of *John Gilchrist*, of *Peterborough*, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That *Mr. Boswell*, *Mr. Roblin*, *Mr. Williams*, *Mr. Durand*, and *Mr. Foster*, do compose the said Committee.

G. Beaudet, and others.

Ordered — That the Petition of *G. Beaudet*, and others, of the county of *Vaudreuil*, presented to the House this day, be referred to the Special Committee to which was referred the documents laid before the House, by command of His Excellency the Governor General, relating to the *Beauharnois Canal*.⁸

Gibb, Munn,
and others.

Resolved — That the Petition of *James Gibb*, *John Munn*, and others, of *Quebec*, presented to the House on the twentieth instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.⁹

Ordered — That *Mr. Black*, *Mr. Burnet*, the Honourable *Mr. Neilson*, *Mr. Parent*, and *Mr. Berthelot*, do compose the said Committee.

City of Quebec.

Ordered — That the Petition of the Mayor, Aldermen and Citizens, of the city of *Quebec*, be referred to the said Committee.¹⁰

Mr. Neilson then moved, seconded by **Dr. Dunlop**, that the petition with the report and address of last session, be referred to a committee of five.¹¹

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R. F. Gourlay.

Resolved — That the Petition of *Robert F. Gourlay*, of *St. Catharines*, be referred to a Special Committee, to examine the contents

DEBATES OF LEGISLATIVE ASSEMBLY

thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered—That the Honourable Mr. Neilson, Mr. Dunlop, Mr. Johnston, the Honourable Mr. Harrison, and Sir Allan N. MacNab, do compose the said Committee.

G. Dauth.

Resolved—That the Petition of Gaspard Dauth, of Ste. Anne Lapérade, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.¹²

Ordered—That Mr. Kimber, Mr. Turcotte, Mr. Taché, Mr. Noel, and the Honourable Mr. Neilson, do compose the said Committee.

The Honourable Francis Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:

Charles Bagot.

Revenue and Expenditure.

The Governor General transmits to the House of Assembly, a Statement of the probable Revenue and Expenditure of the Province during the year ending 31st December, 1842, together with an Estimate of the sums required for the service of the same year; and in conformity with the provisions of the 57th Clause of the Union Act, he recommends these Estimates to the House of Assembly.

Government House,

Kingston, 23rd Septr. 1842.

[For the Estimate and Statement of probable Revenue and Expenditure accompanying the said Message, see Appendix (K.) at the end of this Volume.]

State of Offices and Departments of the House.

Mr. Taschereau, from the Special Committee appointed to inquire into the present state of the Offices and Departments of this House, with a view of ascertaining if any, and what, vacancies have occurred by resignation or otherwise, since last Session, and the necessity of filling such vacancy, if any there be, with power to report from time to time, presented to the House the first Report of the said Committee, which was again read at the Clerk's table, as followeth:—

That your Committee called upon the Clerk of your Honourable House, and interrogated him as to the fact of any vacancy, or vacancies, having occurred in any Department under his charge since the last Session, and were informed by that Officer that one existed in consequence of the resignation of the Assistant French Translator; and he laid before your Committee several applications addressed to him during the recess.

Your Committee, after investigating the qualifications of the respective applicants, beg leave to recommend to your Honourable House, as a person well qualified to fill the situation, Mr. F. X. Garneau; and would also recommend an alteration in the manner of remunerating that Officer, viz. that he be paid a fixed annual salary of £200, in lieu of an allowance per day, as at present.

Ordered—That the said Report be referred to a Committee of the whole House, on Monday next.

Jesuits' Estates.

Mr. Kimber from the Special Committee to which was referred that part of the Petition of the Reverend T. Cooke, S. B. Hart, and others, Inhabitants of the District of Three Rivers, praying for the application of the Jesuits Estates, to the purpose of Education in Canada East, and for the concession of Crown Lands in the rear of the town of Three Rivers, and the Petition of certain Censitaires in the Fiefs and Seignories belonging to the late order of Jesuits, in the town and District of Three Rivers, with power to report from time to time, presented to the House the first report of the said Committee, which

was again read at the Clerk's table.

Ordered — That the said report be referred to a Committee of the whole House, on Monday next.

Winter Roads' Bill.

Mr. Armstrong, from the Special Committee to which was referred the Bill to amend two certain Ordinances therein mentioned, relative to Winter Roads, in that part of the Province formerly called *Lower Canada*, reported to the House that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table.

Ordered — That the said Bill and report be referred to a Committee of the whole House, on Monday next.

Qualification of Justices of Peace, Bill.

The Honourable Mr. Jones, from the Special Committee to which was referred the Bill to revise a certain Act of the Legislature of *Lower Canada*, for the qualification of Justices of the Peace, with an instruction to the said Committee to consider and report to this House the propriety of extending the provision, of the said Bill to that part of this Province lately called *Upper Canada*, reported to the House that the Committee had gone through the Bill, and had made several

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amendments thereto, which amendments were again read at the Clerk's table.

Ordered — That the said Bill and Report be referred to a Committee of the whole House, on Monday next.

Rules, Court of Queen's Bench.

The Honourable S. B. Harrison, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor-General —

Rules and Regulations of the Court of Queen's Bench, of *Upper Canada*, pursuant to the Statute 7th Will. 4, cap. 3.

[For the said Rules and Regulations, See Appendix (Q.) at the end of this Volume.]

On motion of the Honourable Mr. Harrison, seconded by the Honourable Mr. Daly,

Ordered — That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ, for the Election of one Knight of the Shire, to serve in the present Provincial Parliament, for the County of Portneuf, in the room and place of Thomas Cushing Aylwin, Esquire, who, since his election, hath accepted the office of Her Majesty's Solicitor-General, for that part of the Province formerly called *Lower Canada*.

Resolved — That the Message of His Excellency, the Governor-General, presented this day, accompanying the Estimates for the year 1842, together with the documents connected therewith, be referred to a Select Committee composed of Messieurs. Hincks, Neilson, Moffatt, Sir Allan N. MacNab, L. M. Viger, Leslie, Merritt, Parent, and Dunscomb, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

Ordered — That two hundred copies of the said Message, and accompanying documents, be printed in the English and French languages, for the use of the Members of this House.

Leave of absence to Mr. Price.

Ordered — That Mr. Price have leave to absent himself from this House, until the sixth of October next, on urgent business.

On motion of Mr. Black, seconded by Mr. Henry Smith,

Ordered — That the order of the day for the second reading, tomorrow, of the Bill for better proportioning the punishment to the offence in certain cases, be discharged, and that the said Bill be read a second time, on Monday next.

Proportioning punishment Bill.

DEBATES OF LEGISLATIVE ASSEMBLY

York contested
Election.

Petitions on
Lumber trade.

Registry Office,
Middlesex.

Leave of absence
to Mr. H. Smith.

Publication
Criminal Laws.

Amount received
by Treasurers as
indemnity to
Members, U. C.

Desertion of
Seamen, Act.

On motion of Mr. *Roblin*, seconded by Mr. *Boswell*,

Ordered — That the Committee appointed to try the merits of the Petitions of *Connell James Baldwin*, Esquire, and others, complaining of the undue Election and Return of *George Duggan*, Esquire, as a Member to represent the second Riding of the County of York, in the present Parliament, have leave to adjourn, until Tuesday next.

On motion of Mr. *Cameron*, seconded by Mr. *Derbshire*,

Ordered — That the order of this House, referring the Petition of *Thomas McGoe*, and others, interested in the Lumber Trade, to a Select Committee, be discharged, and that the said Petition be referred to the Select Committee to which was referred the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same.

On motion of Mr. *Parke*, seconded by Mr. *Henry Smith*,

Resolved — That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to consider the expediency of amending the Act of the Legislature of *Upper Canada*, 35th Geo. 3, cap. 5, in so far as relates to the place of holding the Registry Office for the County of Middlesex.

Ordered — That Mr. *Henry Smith* have leave to absent himself from this House, during the ensuing week, on urgent business.

On motion of Mr. *Parent*, seconded by Mr. *Black*,

Resolved — That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to consider whether it is expedient for this House to subscribe for a certain number of copies of a work now in course of publication, on the Criminal Laws of *Canada*, by Mr. *Jacques Crémazie*, for the use of the Members of this House.

On motion of Mr. *Durand*, seconded by Mr. *Small*,

Resolved — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before the House, a statement and return of the whole amount received from the several Treasurers of the different Districts of that part of the Province formerly *Upper Canada*, collected especially, as an indemnity to Members of the Legislature, and paid into the hands of the Honourable, the Receiver General of this Province.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Mr. *Henry Smith*, from the Committee of the whole House, to consider the expediency of amending the Act of the Legislature of *Lower Canada*, 47 Geo. 3, cap. 9, intituled, "An Act to prevent the Desertion of Seamen and others in the Sea Service; to punish persons encouraging such Seamen and others to desert, or harbouring or concealing them thereafter; and to repeal certain Acts therein mentioned," reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient that the allowance to be paid to Seamen, detained in Gaol, or in a House of Correction, by the Master or Commander of the Vessel from which they may have deserted, be seven pence half penny, currency, per day, instead of one shilling and six pence, currency, as provided by the fifth section of the Act, 47 Geo. 3, cap. 9.

Ordered — That Mr. *Black*, have leave to bring in a Bill to amend the Act therein mentioned, relative to the Desertion of Seamen, and others, in the Sea Service.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Monday next.

Quebec boundary Bill.

A Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient boundaries and limits of the city of *Quebec*, was, according to order, read a second time.

Ordered — That the said Bill be referred to the Committee of the whole House, to which was referred the Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient boundaries and limits of the city of *Montreal*.

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Debtors' detention Bill.

A Bill to provide for the detention and conveyance to Gaol of Debtors in certain cases, within *Canada West*, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, on Tuesday next.

Mutual Insurance Bill, Canada East.

A Bill to amend certain Acts therein mentioned, relative to the establishment of Mutual Insurance Companies. In *Canada East*, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Pot and Pearl Ash Bill.

A Bill to regulate the Inspection of Pot and Pearl Ashes, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, on Tuesday next.

Register Bill.

A Bill to extend the time allowed by the Ordinance therein mentioned, for the Registration of certain charges or incumbrances on Real Estate, was, according to order, read a second time.

Ordered — That the said Bill be now referred to a Committee of the whole House.

The House accordingly, resolved itself into the said Committee.

Mr. Hale took the Chair of the Committee,

Mr. Viger addressed the House on the subject, and delivered an essay on mortgages, hypotheces, and the Laws of Lower Canada, relating to the subject, and condemned the Ordinance, as uncongenial to the Laws of that part of the Province.¹³

Mr. Moffatt and Mr. Black thought the Ordinance a very beneficial one, and, with few alterations, it might be made most advantageous to the country.¹⁴

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Hale reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, on Tuesday next; and that it be then the first order of the day.

Committee on Bank Petitions.

The order of the day for the House in Committee, on the Report of the Special Committee to which were referred the Petition of the President, Directors and Company, of the Commercial Bank of the *Midland* District; and the Petition of the President, Directors and Company, of the Bank of *Upper Canada*, being read;

The House, accordingly, resolved itself into the said Committee.

Mr. Yule took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Yule reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House and is as followeth: —

DEBATES OF LEGISLATIVE ASSEMBLY

Resolved — That it is expedient to amend the Charters of the Commercial Bank of the *Midland* District, and of the Bank of *Upper Canada*, by extending their Charters and increasing their Capital Stock.

Commercial
Bank Bill.

Ordered — That Mr. *Morris* have leave to bring in a Bill to extend the Charter of the Commercial Bank of the *Midland* District, and to increase its Capital Stock.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.¹⁵

U. C. Bank Bill.

Ordered — That Mr. *Boswell* have leave to bring in a Bill to extend the Charter of the Bank of *Upper Canada*, and to increase the Capital Stock thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Agriculture.

The order of the day for the House in Committee to consider the expediency of amending the Act 6 *Will. IV.* cap. 56, of the late Province of *Lower Canada*, intituled, “An Act to repeal a certain Act therein mentioned, and more effectually to remedy divers abuses prejudicial to Agriculture,” being read ;

The House accordingly resolved itself into the said Committee.

Mr. *Parke* took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Parke* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk’s table, and agreed to by the House, and is as followeth : —

Resolved — That it is expedient to amend the Act of the Legislature of *Lower Canada*, 6 *Will. IV.* cap. 56, intituled, “An Act to repeal an Act therein mentioned, and more effectually to remedy divers abuses prejudicial to Agriculture.”

Obstruction of
Rivers Bill.

Ordered — That the Honourable Mr. *Jones* have leave to bring in a Bill for better preventing the obstruction of Rivers and Rivulets in *Canada East*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday next.

Mr. Chesley
excused from
Election Com-
mittee.

Ordered — That Mr. *Chesley*, Member for the town of *Cornwall*, be excused from serving on the Committee appointed to try the contested Election for the town of *Niagara*.

Then on motion of the Honourable Mr. *Viger*, seconded by Mr. *Hamilton*,

The House adjourned.

Appendix, 23 September 1842.

((Question and Answer Re : Political Amnesty.))¹⁶

Mr. Neilson asked if a reply had been received to the address of the House passed last Session to Her Majesty, for a free pardon and oblivion of past political offences.¹⁷

Mr. Harrison stated that he was not then ready to give an explicit answer to the question, as the matter was then a subject of correspondence.¹⁸ Et que, jusqu'à ce que cette correspondance fût close, les papiers ne pouvaient pas convenablement être rendus publics.¹⁹

((Question and Answer Re : Seat of Government.))²⁰

Sir Allan MacNab asked if this reply to the address of the House of Assembly relative to the Seat of Government was to be laid on the table.²¹

Mr. Harrison regretted he could not do so to-day, but promised it on Monday.²²

((Leave of Absence to Mr. Cartwright.))

Mr. Cartwright was allowed leave of absence (sic) for a week.²³

Footnotes — 23 September 1842.

1. "The exciting topic of the moment is the decision of that question, which most vitally affects the inhabitants of this place, — the future seat of the Provincial Government." MONTREAL GAZETTE, 26 September 1842.

2. In the BRITISH COLONIST, 28 September 1842, LA MINERVE, 28 September 1842, KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, the petitioner is referred to as Gaspard Malhiot; in the MONTREAL TRANSCRIPT, 29 September 1842, Gaspard Mehiot.

3. The debate on this petition's reception was reported in: MONTREAL GAZETTE, 26 September 1842; and in identical reports in KINGSTON CHRONICLE, 24 September 1842, and the EXAMINER, 28 September 1842.

4. KINGSTON CHRONICLE, 24 September 1842.

5. IBID.

6. IBID.

7. IBID.

8. "Moved by Mr. Moffatt." MONTREAL TRANSCRIPT, 29 September 1842.

9. Moved by Mr. Black, according to MONTREAL TRANSCRIPT, 29 September 1842.

10. "Moved by Mr. Neilson." MONTREAL TRANSCRIPT, 29 September 1842.

11. IBID.

12. "Moved by Doctor Kimber." MONTREAL TRANSCRIPT, 29 September 1842.

13. MONTREAL GAZETTE, 26 September 1842.

14. IBID.

15. Apparently the required £20 was not paid when the Bill was presented for 1st reading. Please see p. 199, 28 September 1842.

16. This question was noted in identical accounts in KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842; LE CANADIEN, 28 September 1842; LA MINERVE, 28 September 1842; BRITISH COLONIST, 28 September 1842; and MONTREAL TRANSCRIPT, 29 September 1842.

17. KINGSTON CHRONICLE, 24 September 1842.

18. IBID.

19. LE CANADIEN, 28 September 1842.

20. This question was reported in the KINGSTON CHRONICLE, 24 September 1842, and EXAMINER, 28 September 1842, in identical accounts.

21. IBID.

22. IBID.

23. MONTREAL TRANSCRIPT, 29 September 1842.

Monday, 26 September 1842.

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Niagara Elec-
tion.

Mr. *Hale*, Chairman of the Select Committee, appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, Electors of the town of *Niagara*, complaining of the undue Election and Return of *Edward Clarke Campbell*, Esquire, sitting Member for the said town of *Niagara*, reported to the House, that the said Committee met on Friday last, at the hour of five o'clock, p.m., and were obliged to adjourn without proceeding to business, in consequence of the absence of Mr. *Chesley*, one of the Members of the said Committee, without leave of the House.

Mr. *Hale*, Chairman of the Select Committee, appointed to try the merits of the Petition of *Robert Melville* and *John McBride*, Electors of the town of *Niagara*, complaining of the undue Election and Return of *Edward Clarke Campbell*, Esquire, as a Member to represent the said town in this present Parliament, presented to the House the final report of the said Committee, which was again read at the Clerk's table, as followeth : —

Resolved — That from the scrutiny of votes before this Committee, it appears that *Henry John Boulton*, Esquire, the opposing Candidate at the late Election for the town of *Niagara*, has a majority of legal votes on the Poll.

Resolved — That *Edward Clarke Campbell*, Esquire, was not duly Elected to represent the said town of *Niagara*, in this present Parliament.

Resolved — That the opposition to the said Petition, by *Edward Clarke Campbell*, Esquire, does not appear to this Committee to be frivolous or vexatious.

Resolved — That it does not appear to this Committee that there was any corrupt intention on the part of the Returning Officer, at the said Election."

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On motion of Mr. *Hale*, seconded by Mr. *Williams*,

Ordered — That the Clerk of the Crown in Chancery do attend this House forthwith, with the last return for the town of *Niagara*, and do amend the same by raising out the name of *Edward Clarke Campbell*, Esquire, and inserting the name of *Henry John Boulton*, Esquire.

The Clerk of the Crown in Chancery attended, according to order, and amended the said return for the town of *Niagara*.

Henry John Boulton, Esquire, Member for the town of *Niagara*, having previously taken the oath, according to law, and subscribed, before the Commissioners, the roll containing the same, took his seat in the House.

The following Petitions were severally brought up, and laid on the table : —

By Mr. *Christie*, the Petition of *John Le Boutillier*, and others, of *Gaspé*; the Petition of *Robert McKenzie*, and others, of the District of *Gaspé*; the Petition of *E. H. Enright*, and others, of the County of *Bonaventure*, District of *Gaspé*, relating to the Judicature of the said District; the Petition of *Edward Man*, and others, of the District of *Gaspé*; the Petition of *M. Murray*, and others, of the Counties of

Report of Ni-
agara Election
contest.

Mr. Boulton
takes his seat.

21 Petitions
brought up.

Bonaventure and *Gaspé*; the Petition of *Thomas Busteed*, and others, of the County of *Bonaventure*; the Petition of *Daniel Lavra*, and others, of *Percé*, District of *Gaspé*; and the Petition of *E. H. Enright*, and others of the County of *Bonaventure*, relating to the Municipal and other Ordinances of the Special Council.

By the Honorable Mr. *Viger*, the Petition of the Municipal Council of the District of *Richelieu*.

By Captain *Steele*, the Petition of *Edward Ryall*, and others, of the township of *Oro*, relating to Agriculture; the Petition of *Richard Drury*, and others, of the township of *Oro*; the Petition of *Edward Ryall*, and others, of the township of *Oro*, relating to *Gwillimbury West*; and the Petition of *Richard Robinson*, and others, of the township of *Gwillimbury West*.

By Mr. *Taschereau*, the Petition of *T. J. Taschereau*, Collector of Customs at the inland Port of *La Beauce*.

By the Honourable Mr. *Moffatt*, the Petition of *John P. Bower*, and others, of *Montreal* and *Kingston*, Leather manufacturers.

By Mr. *Roblin*, the Petition of *James Voller*, messenger to the Legislative Assembly.

By Mr. *Child*, the Petition of *Alexander Kilborn*, and others, Trustees of the Stanstead Academy; the Petition of *Charles Wheeler*, and others, Inhabitants of *Barnston* and *Barford*; and the Petition of *E. S. White*, and others, Inhabitants of *Barnston*, *Barford*, and vicinity.

By Mr. *Burnet*, the Petition of the Reverend *George Mackie*, in behalf of the Committee of management of the National Schools, at *Quebec*.

By Mr. *Hale*, the Petition of *William Ritchie*, of *Sherbrooke*, Registrar.

Mutual Insurance Bill, Canada East.

An engrossed Bill to amend certain Acts therein mentioned, relative to the establishment of Mutual Insurance Companies, in *Canada East*, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. *Yule* do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read;

Pursuant to the order of the day, the following Petitions were read: —

British America Assurance.

Of the British *America* Fire and Life Assurance Company, praying that they may be allowed to extend their risks to Marine Insurances.¹

W. Robertson, and others.

Of *William Robertson*, and others, teachers in the township of *Esquesing*, praying that the Common School Act of the last Session of the present Parliament be amended.²

Muni'l Council, Brock.

Of the Municipal Council of the District of *Brock*, praying that the western boundary of the township of *Burford*, be surveyed in a straight line from the twelfth Concession.³

D. D. Gesner, and others.

Of *D. D. Gesner*, and others, of the township of *Oxford*, *Western District*, praying for the removal of the District town of the said District, from *Sandwich* to *Chatham*.

C. Grant, and others.

Of *Charles Grant*, and others, of the township of *Tilbury East*, *Western District*, praying for the removal of the District town of the said District, from *Sandwich* to *Chatham*.

S. Smith, and others.

Of *Samuel Smith*, and others, of the *Western District*, praying for the removal of the District town of the said District, from *Sandwich* to *Chatham*.

N. McQuane, and others.

Of *Neil McQuane*, and others, of the township of *Greenwich*, *Western District*, praying for the removal of the District town of the said District, from *Sandwich* to *Chatham*.

DEBATES OF LEGISLATIVE ASSEMBLY

T. Ferguson.

Of *Thomas Ferguson*, of the township of *Oro*, representing that he was disabled while attempting to suppress the late Rebellion, and praying relief.

J. Thompson,
and others.

Of *John Thompson*, and others, of the township of *Orillia*, praying that an application for a separation of a part of the township of *Gwillimbury West*, from the District of *Simcoe*, be rejected.

T. Drifflin,
and others.

Of *Thomas Drifflin*, and others, of *Gwillimbury West*, and adjoining townships, praying that an enquiry be made into the causes and extent of intemperance, with a view to its suppression.

John Lister,
and others.

Of *John Lister*, and others, denominated Bible Christians, praying to be admitted to all the privileges and immunities of other Christian denominations, in this Province.⁴

N. Gage,
and others.

Of *Nathan Gage*, and others, of the township of *Dumfries*, and other places, praying that the said township, together with others, be erected into a separate District, by the name of "The District of *Brant*."

S. Fraym,
and others.

Of *Simon Fraym*, and others, of *Sophiasburgh*, praying that no alteration may be made to Mr. *Atkins'* original survey of the townships of *Sophiasburgh* and *Ameliaburgh*.

Wm. Morris,
and others.

Of *William Morris*, and others, Inhabitants of the Eastern townships, of *Canada East*, praying that a protecting duty be laid on all foreign produce, introduced into this Province.

Alex. Rea, Esq.

Of *Alexander Rea*, Esq. a Justice of the Peace for the District of *St. Francis*, praying to be remunerated for losses and injuries sustained by him, in consequence of the faithful discharge of his duty as a Magistrate.⁵

A. Cummings,
and others.

Of *Alanson Cummings*, and others, of the township of *Compton*, in the District of *St. Francis*, praying to be indemnified for losses sustained by them in consequence of their resisting the encroachments of the State of *New Hampshire*, on the disputed Territory.

Samuel Street.

Of *Samuel Street*, of the township of *Stamford*, Executor of the Estate of the late *Thomas Clarke*, praying to be allowed to make use of any Commission issuing from the Court of Queen's Bench, in this Province, for the recovery of the said Estate.

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Very Rev. Angus
McDonell,
and others.

Of the Very Reverend *Angus MacDonell*, and others, of *Sandwich*, praying to be allowed to dispose of certain lands which they received from the Executive as a Grant in Trust, on behalf of the Roman Catholic Church.

Wm. Baker,
and others.

Of *William Baker*, and others, Trustees of the *Dunham Academy*, praying an aid for the said Institution.

Mrs. A. A. Keeler.

Of *Alice Ann Keeler*, of *Brantford*, praying for a divorce from her husband.⁶

Wm. Macrae.

Of *William Macrae*, Collector of Customs, at the Port of *St. Johns*, praying for an increase of salary.⁷

J. N. Nesbitt;
and others.

Of *J. J. Nesbitt*, and others, of *St. Roch* and *St. Vallier* Suburbs of *Quebec*, and other places, praying that the prayer of the Petition for leave to erect a Bridge over the River *St. Charles*, at the *St. Paul's* Market, be not granted; and that the *Dorchester* Bridge be made toll free.

Ladies of Male
Orphan Asylum,
Quebec.

Of the Ladies composing the Managing Committee of the Male Orphan Asylum at *Quebec*, praying for an aid.⁸

H. Gowen,
and others.

Of *H. Gowen*, and others, of *Quebec*, praying for an Act of Incorporation, under the style and title of "The City of *Quebec Gas Light and Water Company*."

Capt. Harris.

Of *H. W. Harris*, Captain of the 24th Regiment of Foot, praying for a divorce from his wife.⁹

Z. S. W.
Richardson,
and others.

Of *Z. S. W. Richardson*, and others, of the township of *Bayham*, praying that the said township be annexed to the District of *Brock*.

Rev. P. M.
Mignault.

Of the Reverend *P. M. Mignault*, Founder and Superior of the College of *Chambly*, praying an aid for the said College.¹⁰

F. X. Rochette,
and others.

Of *F. X. Rochette*, and others, Inhabitants of the Coast of *Labrador*, praying that steps be taken to prevent the destruction of the sea fowl, in the adjacent Islands.

Wm. Ross,
and others.

Of *William Ross*, and others, praying for the moiety of their salaries, with-held from them during the suspension of the Constitution of *Lower Canada*.

Petitions
referred :
W. Ross,
and others.

Resolved — That the Petition of *William Ross*, and others, be referred to a Select Committee composed of Sir *Allan N. MacNab*, and Messieurs *Cameron, Black, Leslie*, and *Dunlop*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

B. America
Fire and Life
Assurance
Company.

Resolved — That the Petition of the British *America Fire and Life Assurance Company*, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That the Honourable Mr. *Dunn*, Mr. *Boulton*, and Mr. *Hale*, do compose the said Committee.

Very Rev.
Angus McDonell,
and others.

Resolved — That the Petition of the Very Reverend *Angus MacDonell*, and others, of *Sandwich*, be referred to a Select Committee composed of Mr. *Cameron*, Sir *Allan N. MacNab*, and Mr. *Boulton*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Rev. A.
Blanchard,
and others.

Resolved — That the Petition of the Reverend *Abijah Blanchard*, and others, of the Districts of *Niagara, Gore* and *Wellington*, presented to the House on the nineteenth instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Harmannus Smith*, Mr. *Dunlop*, Mr. *Woods*, Mr. *Leslie*, and Mr. *Boulton*, do compose the said Committee.

Rev. C. P. Reid,
and others.

Resolved — That the Petition of the Reverend *C. P. Reid*, and others, Members of the Church of *England*, in the township of *Comp-ton*, presented to the House on the nineteenth instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Hale*, Mr. *Black*, and Mr. *Yule*, do compose the said Committee.

Mrs. A.
Bouchette.

Resolved — That the Petition of Mrs. *Adelaide Bouchette*, of *Quebec*, widow of the late *Joseph Bouchette*, Surveyor-General, presented to the House, on the twenty-first instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Burnett*, the Honourable Mr. *Neilson*, Mr. *Leslie*, Mr. *Yule*, and Mr. *Taschereau*, do compose the said Committee.

Mrs. A. A. Keeler.

Report on
York Contested
Election.

Resolved — That the Petition of *Alice Ann Keeler*, of *Brantford*, be referred to a Select Committee, composed of Mr. *Powell*, Sir *Allan N. MacNab*, and Mr. *Merritt*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Mr. *Roblin*, Chairman of the Select Committee appointed to try the merits of the Petitions of *Connell James Baldwin*, Esquire, and others, complaining of the undue Election and return of *George Duggan*, Esquire, as a Member to represent the Second Riding of the County of *York*, in the present Parliament, presented to the House the final Report of the said Committee, which was again read at the Clerk's table, as followeth : —

“*Resolved* — That, in consequence of great violence upon the persons of several of the electors, and intimidations held out against the supporters of the Petitioner, this Committee are of opinion that many Freeholders in the Riding were deterred from offering their votes for the Petitioner.

Resolved — That this Committee do therefore declare the election of *George Duggan*, Esquire, for the said Riding, to be void.

Resolved — That it does not appear to this Committee that the violence and intimidation, mentioned in the first Resolution, were encouraged by the sitting Member, but were discountenanced by him.

Resolved — That the defence of the sitting Member to the Petition is not frivolous or vexatious.

Resolved — That the Petitions are neither of them frivolous or vexatious.”

Report on Pet.
of Montreal
Fire Assurance
Company.

The Honourable Mr. *Moffatt*, from the Special Committee to which was referred the Petition of the *Montreal Fire Assurance Company*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth : —

“That, after an attentive perusal of the said Petition, your Committee are of opinion that the prayer thereof should be granted; they have, therefore, prepared a Bill, for the purpose of extending the business of the said Company to the making Insurances on Lives, and

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the making and granting Annuities or Endowments for widows and children, and further to the making of contracts of assurance against damage or loss to vessels navigating the Lakes and Rivers of the Province, and their cargoes; which Bill they beg leave respectfully to recommend for the consideration of your Honourable House.”

Resolved — That this House doth concur with the Special Committee in the said Report.

Ordered — That the Honourable Mr. *Moffatt* have leave to bring in a Bill, to grant further powers to the *Montreal Fire Assurance Company*, and to change the name of the said Corporation.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Montreal Fire
Assurance Bill.

1st Report on
Contingencies.

Mr. *Morris*, from the Special Committee on the Contingent Accounts and Expenses of this House, during the present Session, with power to report from time to time, presented to the House the First report of the said Committee, which was again read at the Clerk's table, as followeth : —

“That your Committee have examined the accompanying Account of the Clerk of the House, and the vouchers connected therewith, detailing the disbursement of the sum of Eleven Thousand and Sixty Three Pounds, Thirteen Shillings, and Three Pence, advanced by His Excellency, the Governor-General, in conformity to an Address of this House of the 16th September, 1841; and these Accounts being quite

satisfactory, your Committee recommend that the said sum may be provided by your Honourable House.

In the opinion of your Committee, the sum of Six Thousand Pounds, will be required on account of the Contingencies of the present Session; and your Committee would therefore recommend that an Address be presented to His Excellency, the Governor-General, praying that His Excellency may issue his warrant in favour of the Clerk of this House for said amount, and assuring His Excellency that this House will make good the same during the next Session of the Legislature."

Account of Moneys received, and Payments made, by *W. B. Lindsay*, Esquire, Clerk of the Legislative Assembly, as Contingencies of the First Session of the First Parliament of Canada.

To payments made to the Clerk's Office, as per vouchers A	£ 2718 13 4
To amount paid for Stationery, as per voucher B	380 9 11
To indexing Journals of <i>Upper</i> and <i>Lower Canada</i> , as per vouchers C	100 0 0
To payments made to the Librarian and Deputy, as per vouchers D	348 14 1
To payment for the purchase of Books for Library, as per estimate	*300 0 0
To payments made for Newspapers, as per vouchers F	36 8 10
To payments made to Door-keeper and Messengers, as per vouchers G	546 16 4
To payments made for Printing, as per vouchers H	2337 0 0
To amount paid for Binding, as per voucher I	100 0 0
To payment made for Carpenter's work, as per voucher J	250 0 0
To amount of Post Office Accounts, as per voucher K	1707 9 9
To amount of Freight of Stoves from <i>Toronto</i> , and for wood, as per voucher L	29 9 0
To payments made to complete services of <i>U. & L. Canada</i> , as per voucher M	1322 1 9½
To payments for articles furnished during the Session, as per voucher N	610 0 3½
To amount paid of certain Resolutions, as per vouchers O	351 17 6
To amount of Contingent disbursements, not estimated, as per voucher P	315 6 6½
To depositories on private bills refunded, as per vouchers Q	80 0 0
To the Clerk's allowance of one per cent, on £11,534 7s. 4½d.	115 6 10½
To balance in hands of the Clerk	253 19 1
	£11903 13 4

1841.			
July 1	By cash from <i>Jas. H. Price</i> Esquire, M. P. P. deposite on private Bill, in favour of <i>R. J. Turner</i>	£ 20 0 0	
" 3	Ditto from <i>H. Black</i> , Esquire, M. P. P. deposite on private Bill, incorporating the <i>Canada Fire Assurance Company</i>	20 0 0	
" 21	Ditto from <i>John Simpson</i> , Esquire, M. P. P. deposite on private Bill, in favour of the <i>North American Colonial Association of Ireland</i>	20 0 0	
" 23	Ditto from the Honourable Mr. Speaker	300 0 0	

DEBATES OF LEGISLATIVE ASSEMBLY

August 13	Ditto from <i>I. Buchanan</i> , Esquire, M. P. P. deposite on private Bill, in favour of the Bank of <i>Upper Canada</i>	20 0 0
" 18	Ditto from ditto, deposite on private Bill, incorporating the <i>Toronto Gas and Water Company</i>	20 0 0
" 23	Ditto from the Honourable Mr. Speaker	400 0 0
" 31	Ditto from <i>B. Holmes</i> , Esquire, M. P. P. deposite on private Bill, in favour of the <i>Montreal Bank</i>	20 0 0
" "	Ditto from <i>J. S. Cartwright</i> , Esquire, M. P. P. deposite on private Bill, in favour of the <i>Midland District Bank</i> ..	20 0 0
Sept. 27	Ditto, Sir <i>Richard D. Jackson's Warrant</i> , No. 1, £9957 6 0 Sterling	11063 13 4
		£11903 13 4

* The amount of Invoice for Books from *England*, is £209 4 9 Sterling, exclusive of charges; and other Books are yet to be sent, as per order.

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Ordered—That the said Report be referred to a Committee of the whole House, to-morrow.

Report on
Petition of
Geo. Adams,
and others.

Mr. *Merritt*, from the Special Committee to which was referred the Petition of *George Adams*, and others, of the District of *Niagara*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth :

"The Committee to which was referred the Petition of *George Adams*, and others, praying that the double security clause may be removed from the *Niagara District Bank*, have taken the same into consideration; and it has been represented to them that the Bank of *Upper Canada*, and the Commercial Bank, have received Charters without this restriction; that it was imposed by the Treasury since those Banks were chartered, by instructions to His Excellency, the Lieutenant Governor of *Upper Canada*, dated 20th April, 1837, of which the following is an extract: "That the sum to which the personal responsibility of the respective shareholders may be limited, "should not be less than twice the amount of the shares held by each." Since that period, a Charter has been granted to the Bank of British *North America*, by the Home Government, in which it has not been exacted.

That in consequence of this restriction, the double security clause was inserted in the Bills of last Session, and for no other reason.

The Committee are of opinion that the Charters already contain ample security to the public, by requiring one half of the capital to be paid in before the Bank goes into operation, and the remainder within eighteen months; also, that it is unjust to the Inhabitants of this Colony, that they should be limited by restrictions in granting Charters for Banking purposes, when the Home Government grant Charters for the same purpose, without those restrictions, thus having in operation three different systems of Banking within the Province at the same time; from the experience of many years, they find the Bills of the Bank of *Upper Canada*, and of the Commercial Bank, without this restriction, circulate as freely as the *Gore Bank*, with it. That it prevents the free introduction of capital from *Britain*, and the resources of this young and promising country, from being fully developed, and proves injurious to the public interest.

The Committee, therefore, recommend that this restriction be removed, and the following Resolution submitted to a Committee of the whole House, on the subject.

Resolved — That, in the opinion of this Committee, it is inexpedient that the clause, requiring shareholders to be liable for double the amount of their subscribed stock, should be continued in the various Bank Charters within the Province."

Ordered — That the said Report be referred to a Committee of the whole House, to-morrow.

Leave of absence
to Mr. Crane.

Report on
Petition of
Gibb, Munn,
and others.

Quebec Gas
Light Bill.

Report on
Petition of
Richard Brown,
and others.

Haldimand
District Bill.

Report on
Petition of
Gore Bank.

Ordered — That Mr. *Crane* have leave to absent himself from this House, until the seventh of October next, on urgent business.

Mr. *Black*, from the Special Committee to which was referred the Petition of *James Gibb, John Munn*, and others, of the City of *Quebec*; and the Petition of the Mayor, Aldermen, and Citizens of *Quebec*, presented to the House the report of the said Committee, which was again read at the Clerk's table, as followeth : —

"Your Committee having examined the Petition of *James Gibb, John Munn*, and others, as also that of the Mayor, Aldermen, and Citizens, of *Quebec*, for the purpose of an Act incorporating the said Messieurs *Gibb, Munn*, and others, under the name of "the City of "Quebec Gas Light and Water Company," are of opinion that the prayer of the said Petitions should be granted."

Resolved — That this House doth concur with the Special Committee in the said Report.

Ordered — That Mr. *Black* have leave to bring in a Bill to incorporate a Company under the style and title of "The *Quebec Gas Light and Water Company*."

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, to-morrow.

Mr. *Thompson* from the Select Committee to which was referred the Petition of *Richard Brown*, and others, of the County of *Haldimand*; with power to Report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth :

"That having examined into the prayer of the said Petition, also the Report made to your Honourable House by a Select Committee on the same subject, on the 10th August 1841, and fully concurring in the opinions therein expressed, they have prepared the draught of a Bill to erect the County of *Haldimand* into a separate District, which they beg to Report for the consideration of your Honourable House."

Mr. *Thompson*, then presented to the House, a Bill to erect the County of *Haldimand* into a separate District, by the name of "The District of *Manchester*," which was received and read for the first time, and ordered to be read a second time, on Monday next.

Mr. *Thompson*, from the Special Committee to which was referred the Petition of the President, Directors and Company, of the *Gore* Bank, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth :

"That they have taken the prayer of the said Petition into consideration.

That in their opinion the Charter contains ample security to the public, independent of the double security clause.

That the Bills or Notes of other Banks, whose Charters do not embrace such a clause, pass equally as current.

That the Bank of British *North America* was subsequently Chartered by the Home Government without the double security clause, and that it is unjust to the Inhabitants of this Colony that they should be limited by restrictions in granting Charters for Banking purposes when the Home Government grants Charters without the said restrictions, and for the same purpose, to be exercised directly among us.

DEBATES OF LEGISLATIVE ASSEMBLY

They therefore recommend to your Honourable House that, in accordance with the prayer of the said Petition, the double security clause may be repealed.

That the ratio of voting on individual Stock beyond fifty shares may be increased, and that the right thereof be extended to its Stockholders, being Her Majesty's subjects resident within the British Empire and its Colonies — and that seven of its Directors, besides the President, may be eligible to be re-elected.

The Committee further recommend that in order to enable the President better to protect the interests of the Bank, and for the greater security of the public, a clause be inserted in the Act of Incorporation providing that no paper bearing the signature or indorsement of the President, or of any Firm or Co-partnership of which he may be a Member, shall be discounted by the Bank.

And that the following Resolution be submitted to a Committee of the whole House.

Resolved — That in the opinion of this Committee, it is expedient that the Charter of the *Gore* Bank be amended in accordance with the above Report."

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Mr. *Leslie*, one of the Members of the Committee, dissenting from so much of the Report as goes to recommend the repeal of the double security clause.

Ordered — That the said Report be referred to a Committee of the Whole House, on Thursday next.

The Honourable *S. B. Harrison*, laid before the House, by command of His Excellency, the Governor-General; —

RETURN to an Address from the House of Assembly to His Excellency, the Governor-General, dated 22nd September, 1842, praying "for a Copy of a Despatch from the Right Honourable *C. Poulett Thomson*, Governor-General of this Province, to Lord *John Russell*, dated Government House, *Montreal*, 26th May, 1840, transmitting "an Address from the Legislature of the late Province of *Upper Canada*, praying for the introduction of Canadian Corn into *Great Britain*, free from duty, and to empower the Legislature of this "Province to originate measures relating to the Colonial Trade generally; together with Copies of all Despatches, or other communications, with the Colonial Secretary on the subject of duties on the "agricultural productions of this Province since that period."

Rawson W. Rawson.

Kingston, 24th September, 1842.

EXTRACT from a Despatch, from the Right Honourable *C. P. Thomson*, late Governor-General of *Canada*, to Lord *John Russell*, dated Government House, *Montreal*, 26th May, 1840, in as far as the same relates to the transmission of an Address from the Legislature of the late Province of *Upper Canada*, praying for the introduction of Canadian Corn into *Great Britain*, free from duty, and to empower the Legislature of this Province to originate measures relating to the Colonial Trade generally.

Colonial Trade.

"The House of Assembly have transmitted another Address, praying for the introduction of *Canada* Corn into *Great Britain*, free of duty, and they further pray that the local Legislature may be empowered, hereafter, to alter the Trade regulations of the Colony, in those cases in which they may be affected by the Imperial Laws, relating to Colonial Trade generally, subject, however, to the restriction that such Laws shall not receive the assent of the Crown, until they have been laid before both Houses of Parliament, and shall have been suffered to pass without Address from either."

"Upon the first of these objects, it is needless for me to offer any remark. The question can only properly be considered with reference

"to the whole subject of the Corn Laws, and I certainly do not think
"that, looking to the average price of Corn in ordinary years in *Great*
"*Britain*, the Colonies have any right to complain of the footing on
"which they now stand."

"The second point is an extremely important one. I am undoubtedly of opinion that the regulation of the principles on which Colonial Trade is to be conducted, ought to be reserved entirely to the Imperial Parliament. The power of regulating it, is one of the principal advantages resulting from Colonial possessions, and, if justly exercised, affords one of the main compensations for the expenditure which the Mother Country is compelled to incur for the defence and protection of the Colony. But whilst I admit this to its fullest extent, "I have at the same time been obliged to observe the great inconvenience and even loss which results to the Colony from the necessity which now exists for all changes, in this respect, originating in *England*. "There are a vast number of small points seriously affecting the interest of Colonial Trade, and not at all disturbing the general principal or subjects sought to be established by Imperial Legislation, in which a change is frequently found to be desirable. Great difficulty exists, in the first place, in explaining these points at Home, and next of proving that they are of sufficient importance to demand Legislation there; but even if this be done, I know myself, from experience in that Department, too much difficulty and delay unavoidably arise in carrying such measures through Parliament. I am therefore very much disposed in favour of the middle course, now suggested by the Assembly; — If the local Legislature be permitted to originate measures of this description, I entertain no doubt that they would be able to introduce many improvements very beneficial to the trade of the Colony, and not at all injurious to Imperial interests. These, when sent Home, could receive the assent of the Crown and Parliament, whilst, if they meddled improperly with matters affecting the general interests of trade, their work would be without effect, and be open to immediate rejection. If your Lordship shall concur in this view of the case, and shall be inclined to grant this extension of power to the Colony, subject to the restriction I have stated, it would be better perhaps to pass an Act specially for the purpose, than to incorporate it in the Union Bill."

EXTRACT from a Despatch from the Right Hon'ble. the Lord John Russell, of the 1st July, 1840, No. 171, to the late Governor-General of Canada, in as far as the same relates to the transmission of an Address from the Legislature of the late Province of Upper Canada, praying for the introduction of Canadian Corn into Great Britain, free from duty.

"With regard to the Address on the subject of the introduction of Canada Corn into Great Britain, and regarding the proposal to invest the Provincial Legislature with the power of regulating, under certain restrictions, the Trade of the Empire at large, so far as it affects Canada, I have, in obedience to Her Majesty's commands, communicated that Address, with your remarks upon it, to the Lords of the Committee of Privy Council for Trade, for their Lordship's consideration."

(Copy.)

No. 267.

Downing Street,
1st December, 1840.

My Lord,

I enclose the Copy of a letter which I have received, in which a suggestion is offered with respect to the admission into this Country, free of Duty, of Canada Wheat, Flour, and other Agricultural produce; and I request that you will give this subject your consideration.

I have, &c.

(Signed,) J. Russell.

The Right Honble. Lord Sydenham.

DEBATES OF LEGISLATIVE ASSEMBLY

(Copy.)
No. 220.

*Government House,
Montreal, 21st January, 1841.*

My Lord,

In reply to Your Lordship's Despatch of the 1st December, No. 267, I have the honour to state that there can be no doubt of the great effect which would be produced in these Colonies, if Parliament would be prevailed upon to admit the Agricultural produce of the *Canadas* free of Duty, for consumption in the United Kingdom.

The Lower Province does not produce more than enough, if enough, for its own consumption, and the growth of Wheat has been greatly diminished of late years, owing to the prevalence of the Fly — but *Upper Canada* is, as you are aware, entirely dependent upon the sale

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of its Agricultural produce, and especially of Wheat, for the production of which it is eminently calculated.

Great excitement prevails in that Province, at the present time, with regard to this subject. The abundant harvest, both there and in the Western States, has greatly increased the quantity for exportation, but the prices are so low that the Farmers and Labourers are unable to derive the advantage they expected. — The consequence is that there is an outcry raised for what is termed "Agricultural protection" in the shape of Duties upon the produce of the *United States*, imported into *Canada* — a scheme, it is scarcely necessary to observe, which would, even if it were not objectionable in principle, be utterly useless to an exporting Country for the end sought, namely to raise the price, whilst it would diminish, if it did not destroy, one great branch of Trade, the grinding *United States* Corn for consumption in lieu of the native grown which is exported, or even for importation.

The real means of affording an advantage to *Upper Canada* would be to permit the importation of its produce, free of duty, into the United Kingdom, and the feeling which prevails upon the subject certainly renders it at this moment a matter of the utmost importance.

As such I trust that it will meet the best consideration on the part of Her Majesty's Government.

I have, &c.

(Signed,) *Sydenham*

The Right Honble. the Lord *J. Russell*,
&c. &c. &c.

(Copy.)
No. 320.

*Downing Street,
3d March, 1841.*

My Lord,

Adverting to your Lordship's Despatch, No. 115, of the 26th May, 1840, in which was enclosed an Address to the Queen from the House of Assembly of *Upper Canada*, respecting the Trade Regulations of the Province, and the repeal of the duties levied upon agricultural produce imported from *Canada* into the United Kingdom, to my answers thereto of the 1st July, No. 171, and to your Lordship's recent proposition for altering the clause of the Royal Instructions, which prohibits the Provincial Legislature from legislating on subjects connected with the Trade of the British Empire, I have to inform your Lordship that the Lords of the Committee of Privy Council for Trade have considered the recommendations contained in your Despatch, and the Address; and I shall communicate to your Lordship, by the first opportunity, the decision of Her Majesty's Government thereupon.

The President of the Board of Trade will bring before the House of Commons, on Friday, the 12th instant, several propositions con-

nected with this subject, and I regret that they are not sufficiently matured to enable me to transmit them to you by the present Mail.

It will be the object of the Queen's Government to free the Trade of *Canada* from restrictions which are unnecessary, and at the same time to do justice to the industry and manufactures of the United Kingdom.

I have, &c.

(Signed,) *J. Russell.*

The Right Honourable Lord *Sydenham*,
&c. &c. &c.

No. 82,

Government House,

Kingston, 25 June, 1841.

My Lord,

I have the honour to transmit to you, herewith, in order that it may be laid at the foot of the Throne, a Memorial to Her Majesty from certain Merchants at *Montreal*, praying that certain articles of Canadian produce, therein specified, may be admitted into the United Kingdom, free of Duty.

Similar Memorials, proceeding from the same parties, have, I understand, been forwarded to Members of the Houses of Lords and Commons for presentation.

I have, &c.

(Signed,) *Sydenham*

The Right Honble. the Lord *J. Russell*,
&c. &c. &c.

(Copy.)

No. 404.

Downing Street,

19th July, 1841

My Lord,

I have received your Lordship's Despatch, No. 82, of the 25th June, enclosing a Petition to the Queen from various Merchants at *Montreal*, praying the repeal of the Duties at present levied on Canadian Wheat, and other produce, when imported into the United Kingdom, to compensate for the injury to Canadian commerce, which is apprehended from the proposed alteration of the Duties on Foreign produce imported into British *North America* and the *West Indies*.

You will have the goodness to inform the Petitioners that I have had the honour to lay their Petition before the Queen, who was pleased to receive it very graciously. By Her Majesty's commands, it has been referred for the consideration of the Lords of the Committee of Privy Council for Trade.

I have, &c.

(Signed,) *J. Russell.*

The Right Honble. Lord *Sydenham*,
&c. &c. &c.

(Copy.)

No. 421.

Downing Street,

8th August, 1841.

My Lord,

With reference to my Despatch, No. 404, of the 19th July, acquainting your Lordship that the Memorial from the Merchants of *Montreal*, transmitted in your Despatch of the 25th June, had been referred by the Queen's commands to the Lords of the Committee of Privy Council for Trade, I have now to inform you, that their Lordships having had your Despatch and the Memorial under their consideration, have been pleased to state that the Memorial will be again referred to, when the Bill relating to Duties upon Articles imported from the British North American Colonies shall hereafter be brought forward in Parliament.

DEBATES OF LEGISLATIVE ASSEMBLY

Your Lordship will be pleased to apprise the Petitioners of this answer to their Memorial.

I have, &c.

(Signed,) *J. Russell.*

The Right Hon'ble. the Lord *Sydenham*,
&c. &c. &c.

(Copy.)

No. 7.

Government House.

Kingston, 27th September, 1841.

My Lord,

I have the honour to transmit to your Lordship herewith, in order that they may be laid at the foot of the Throne, Addresses to Her Majesty from the Legislative Council and the House of Assembly of this Province, praying for the admission of the produce of *Canada* into the ports of *Great Britain*, duty free. I need scarcely state to your Lordship that this subject is viewed with the most lively interest by all the inhabitants of *Canada*; and I feel confident, therefore, that it will receive the attentive consideration of Her Majesty's Government.

I have, &c.

(Signed,) *R.D. Jackson.*

The Right Hon'ble. the Lord *Sydenham*,
&c. &c. &c.

(44)

(Copy.)

No. 10.

Downing Street,

22d October, 1841.

Sir,

I have to acknowledge the receipt of Sir *Richard Jackson's* Despatch of the 27th of September, No. 7, in which he transmits Addresses to Her Majesty from the Legislative Council and the House of Assembly of *Canada*, praying for the admission of the Produce of the Province into the ports of *Great Britain*, Duty free.

I have to direct you, in answer, to acquaint the Legislative Council and the Legislative Assembly of the Province of *Canada*, that I have laid these Addresses before the Queen, and that Her Majesty, deeply impressed with the importance of the subject to which they relate, has been pleased to command that the Addresses should be referred for consideration to the Lords of the Committee of Privy Council for Trade; and that, when Her Majesty shall be in possession of their Lordships' report and advice on the subject, Her Majesty will cause a further communication to be made to you, for the information of the Legislative Council and the Legislative Assembly.

I have, &c.

(Signed,) *Stanley.*

The Right Hon'ble. Sir *Charles Bagot*, G. C. B.
&c. &c. &c.

(Copy.)

No. 39.

Government House,

Kingston, 21st February, 1842.

My Lord,

I have the honour to transmit to your Lordship herewith, Petitions from the Board of Trade of *Montreal*, to the Throne, and to the two Houses of the Imperial Parliament, praying the repeal of the Duties now levied on the importation into the United Kingdom, of certain articles of provision, the produce of *Canada*. I also enclose, for your Lordship's information, a Copy of the Memorial to myself which accompanied these Petitions, and of the Answer which I returned to it.

I have to request that your Lordship would lay at the foot of the Throne the Address to Her Majesty, and would entrust to Members of

the Houses of Lords and Commons the Petitions addressed to those Houses, respectively.

I have, &c.

The Right Honble. the Lord *Stanley*,
&c. &c. &c.

(Signed,) *Charles Bagot.*

(Copy.)
No. 115.

Downing Street.
3rd April, 1842.

Sir,

I have received your Despatch, No. 39, of the 21st of February, enclosing Petitions to the Queen and to the two Houses of Parliament, from the Board of Trade of *Montreal*, praying the repeal of the Duties now levied on the importation into the United Kingdom of certain articles of Canadian Produce.

I have to instruct you to inform the Petitioners that I have had the honour to lay their Petition to the Queen before Her Majesty, and that Her Majesty was pleased to receive it very graciously, and to direct it to be referred for the consideration of the Lords of the Committee of Privy Council for Trade.

The Petition to the House of Lords will be entrusted to the Earl of *Ripon* for presentation — that to the House of Commons will be presented by myself.

I have, &c.

The Right Honble. Sir *Charles Bagot*, G. C. B.
&c. &c. &c.

(Signed,) *Stanley.*

(Copy.)

Downing Street.
2d March, 1842.

Sir,

In the anxious consideration, which it has been the duty of Her Majesty's Government to give to the important and complicated question of the importation of Corn into this Country, they have, of course, not overlooked the interest, which is felt in this question by the Province of *Canada*, and which has been expressed in Memorials from the Legislative Body, and from other parties, addressed to Her Majesty and to the Legislature of this Country, and although, in present circumstances, Her Majesty's Government have not felt themselves justified in recommending to Parliament a compliance with the general request of the various Memorialists, that Canadian Corn and Flour should be imported, at a nominal duty, into the United Kingdom, I trust that the steps which we have taken, and the grounds upon which we have declined to advance further in the same direction, will convince the people of *Canada*, that the course which we have pursued has been dictated by no unfriendly feeling towards the interests of *Canada*, and especially of Canadian Agriculture.

The steps which have been taken, so far as they go, have been decidedly in favour of those interests. By the Law as it has hitherto stood, Canadian Wheat and Wheat Flour have been admissible into *Great Britain* at a rate of duty estimated at 5s. per quarter until the price in the English Market reached 67s. at which amount the duty fell to 6d. By the Bill which is now before Parliament, the duty of 5s. is leviable only while the price is below 55s. and at 58s. falls to 1s. only. But in addition to this reduction in the amount of price at which the lower duty becomes payable, it is proposed to take off the restriction, which has hitherto been imposed upon the importation of Canadian Flour into *Ireland*, and thus to open a new Market to that which may justly be considered as one of the Manufactures of *Canada*.

In the measures which they have adopted, not without the most anxious attention to the various interests involved, Her Majesty's

Government have been desirous, while they gave a general facility of admission to the British Market, of disturbing, as little as possible, the relative advantages possessed by the Colonial and Foreign supplies of that Market. In this sense, while they have continued to the Channel Islands, the facilities which they have heretofore enjoyed of a free importation of their own produce, (limited as it necessarily is in extent) into *Great Britain*, together with the means which they at present enjoy of having their own supplies furnished from the neighbouring and cheaper Market, they have not felt themselves called upon to remove from the Isle of *Man* the restrictions which have been recently imposed on that Island as to its Foreign Imports, while it possesses the advantages of an unrestricted Commerce with *Great Britain*. The same principle has guided Her Majesty's Government in the course which they have felt it their duty to pursue with regard to *Canada*.

It is impossible to be more fully convinced, than are the Members of Her Majesty's Government, of the importance to the interests, both of the Colony and of the Mother Country, of maintaining, between the two, the most unrestricted freedom of Commercial intercourse. Even a cursory examination of facts and figures must demonstrate the value to be attached in a Commercial, and much more in a moral and political point of view, to the continuance and improvement of that rapidly increasing intercourse; and Her Majesty's Government would have had much less difficulty in approaching the question of an unrestricted admission of Canadian Wheat and Flour into the British Markets, if it had been in their power to look at that question as one

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of intercourse between *Great Britain* and her most important Colony, and independent of all considerations of Foreign Trade.

But it was impossible for Her Majesty's Government so to regard it. It was impossible that they should not advert to the Geographical position of *Canada*, in reference to the great Corn-growing States of the West of *America*. It was impossible not to see, that however desirable it might be even to encourage the transit through *Canada* of the produce of those States, with the advantage to *Canada* of any manufacturing process which it might undergo in the transit, a relaxation of duty, to the extent of free or nearly free admission, would have been a relaxation not limited, as in this case, it ought to be, to the produce of a British Colony.

It is true that the Imperial Parliament, at the time that they admitted Canadian Produce at a nominal duty, might constitutionally have imposed a corresponding duty upon the import of American Wheat into *Canada*, and might thus have placed a check upon the undue influx of Foreign, under the name of Canadian Produce; but whatever might be the view taken by Her Majesty's Government, under a different state of circumstances in which a tax imposed by Colonial authority, and of course receivable into the Colonial Treasury, upon Wheat imported from the *United States*, might secure the Agriculturists of *England* against the competition of Foreign growers, they have been unwilling to impose such a tax, by the authority of Parliament, upon a raw article which might be required for Home consumption in *Canada*, and, in the absence of such a tax, have felt it impossible to propose to Parliament a further reduction than that which they have submitted, in favour of Wheat and Wheat Flour shipped from the Ports of *Canada*.

I have, &c.

(Signed,) *Stanley*.

The Right Honble. Sir *Chas. Bagot*, G. C. B.

&c. &c. &c.

(Copy.)

No 80.

*Government House,
Kingston, 14th April, 1842.*

My Lord,

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 2d ultimo, No. 83, explaining the course which Her Majesty's Government have felt it their duty to adopt, with reference to Canadian produce, in the measures which they have submitted to the Imperial Legislature, for an alteration of the Laws affecting the importation of Corn into the United Kingdom; in obedience to your Lordships commands, I shall communicate the substance of this Despatch to the Legislature, at their next meeting.

I have, &c.

(Signed,) *Charles Bagot.*The Right Honble. the Lord *Stanley.*

&c. &c. &c.

(Copy.)

No. 93.

*Government House,
Kingston, 28th April, 1842.*

My Lord,

I have the honour to transmit to your Lordship herewith, in order that it may be laid at the foot of the Throne, a Petition from the Merchants, Millers, Agriculturists, and others, of the *Home* District of the late Province of *Upper Canada*, praying for the admission into the United Kingdom, duty free, of Canadian Corn, and the imposition of the foreign duty upon American Corn, upon its importation into *Canada*. This Petition is very numerously signed, and was presented to me on my late visit to *Toronto*. Although I fear that it will arrive too late to receive the consideration of Her Majesty's Government before the measures now before the Imperial Parliament for the alteration of the Corn Laws shall have become Law, I have not felt myself at liberty to refuse the request of the Petitioners that it might be transmitted to your Lordship.

I have, &c.

(Signed,) *Charles Bagot.*The Right Honble. the Lord *Stanley,*

&c. &c. &c.

(Copy.)

No. 153.

*Downing Street,
29th May, 1842.*

Sir,

I have received your Despatch, No. 93, of the 28th April, enclosing a Petition to the Queen, from the Merchants, Millers, Agriculturists, and other inhabitants of the *Home* District of *Western Canada*, praying for the admission into the United Kingdom, duty free, of Canadian Corn, and the imposition of the Foreign duty upon American Corn on its importation into *Canada*.

I have to instruct you to acquaint the Petitioners, that I have had the honour to lay their Petition before the Queen, and that Her Majesty was pleased to receive it very graciously.

Previously, however, to the arrival of this Petition, the Bill for amending the Acts regulating the Corn Trade had passed into a law.

I have, &c.

(Signed,) *Stanley.*The Right Honble. Sir *Charles Bagot, G. C. B.*

&c. &c. &c.

(Copy.)

No. 138.

*Downing Street,
Sir,*

30th April, 1842.

I have the honour to transmit to you the accompanying copy of a Petition, which I have laid before the Queen, from certain Inhabitants

DEBATES OF LEGISLATIVE ASSEMBLY

of the townships of Western *Canada*, praying for a remission of duties on Canadian produce coming into this country, and for your co-operation with the Provincial Parliament in imposing duties on the agricultural produce of the *United States*, imported into *Canada*; and I have received the Queen's commands to instruct you to give this latter prayer your deliberate consideration.

I have, &c.

(Signed,) *Stanley.*

The Rt. Honble. Sir *Chas. Bagot*, G. C. B.
&c. &c. &c.

(Copy.)

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign :

We, Your Majesty's most faithful subjects, Inhabitants of *Canada*, beg leave to approach Your Majesty with our earnest and humble Petition, and while making known the difficulties under which we are labouring, we beg to assure Your Majesty, that the chief object of our solicitude is the continuance of the happy union which exists between this Colony and the Parent State.

Your Petitioners, Most Gracious Sovereign, deeply regret the necessity which compels them to renew their supplications for relief, but notwithstanding the disposition frequently manifested to encourage their exertions, a variety of causes have combined to prevent their realizing the fair value of their labour. The great distance from the ocean, and heavy charges for transportation, so enhance the cost of British manufactures necessary for the farmer's use, and so reduce the value of his produce, as to limit his means of contributing to the support of the wealth and industry of the British Empire.

Grateful as we must ever be, for the kind interest Your Majesty has shown for our welfare, in recommending such aid as will not only

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relieve us of a part of our burthens, but will enable us to complete those extensive improvements, tending to benefit the trade and to develop the resources of the Province; yet, aware of the heavy responsibility it attaches to the landed interest, we cannot but feel alarmed lest any change in the commercial policy of the Empire should prevent a just preference being given to our staple produce, without which the Province can never prosper, and upon which our trade and industry almost entirely depend.

As nine-tenths of the population of *Canada* can only be profitably employed in agriculture, the source of their prosperity must be derived from its encouragement and support, as the commerce we possess arises from their industry, and is based on their success. The Inhabitants of this Province feel therefore a deep interest in the approaching discussion on the Corn Laws in *Great Britain*, their substance being dependent on the maintenance of such protection as will prevent the present prices from being materially depressed.

The unfair competition which your Petitioners have to sustain with the *United States of America*, whose agricultural productions are obtruded upon this Province, free of duty, while heavy duties are levied upon our products at their Ports, has, from the year 1834, formed the subject of repeated Petitions to the Provincial Legislature; but although successive Houses of Assembly have concurred in the necessity of protection, and have passed Bills imposing a duty on the products of the *United States*, sufficient to protect the British and Canadian Agriculturist, without depriving British Ship-owners of the carrying trade, their efforts have been invariably defeated, and the evil not only continues to exist, but has been recently aggravated by new protective duties imposed by the last Tariff of the *United States*. It is not for

your Petitioners to discuss the policy of Free Trade, but even the advocates of that policy must admit that its advantages are dependent upon reciprocity.

Your Petitioners humbly submit that under the peculiar circumstances in which *Canada* is placed — its agriculture being burthened both by heavy charges for transport, and by the protection afforded to the Shipping, Commercial, and Manufacturing, Interests of *Great Britain*, by the Imperial Government, the want of agricultural protection is felt to be an insupportable grievance.

We therefore earnestly pray that Your Majesty will take this our humble Petition into your most serious consideration, and that your Majesty will be pleased to recommend to your Imperial Parliament to remit the duties now levied at British Ports upon Grain, Flour, Oatmeal, Beef, Pork, Butter, Pease and such other of the staple products of this Province as may to Your Majesty seem fit; and further that Your Majesty will be graciously pleased to instruct your Representative in this Province to co-operate with the Provincial Parliament in imposing such duties as may be thought advisable upon the agricultural products of the *United States of America*, on importation into this Province.

That Providence in its wisdom may grant Your Majesty a long, glorious, happy, and prosperous, reign, is the fervent prayer of Your Majesty's loyal and devoted Canadian subjects.

Canada, 3d February, 1842.

[Here follow the Signatures.]

(Copy.)

No. 149.

Sir,

Downing Street
17th May, 1842.

Her Majesty's Government having had under their consideration the Petition of the *Montreal* Board of Trade, transmitted in your Despatch, No. 39, of the 21st of February, urging the repeal of all duties levied in the United Kingdom upon Beef, Pork, Cheese, Butter, Lard, as well as upon Wheat, Grain and Flour imported from *Canada*, I have to make to you the following communication for the information of the petitioners.

Although the alteration of the duties on Corn and Flour by the Act which has just received the Royal Assent, does not amount to an entire fulfillment of the wishes of the petitioners, Her Majesty's Government feel assured that they will nevertheless perceive that by lowering the prices of each sort of Grain, at which the import duty on Colonial Produce becomes nominal, and by preventing, by a gradual scale, the abrupt transition from the nominal, to the maximum duty, the producer and importer of Canadian Grain will derive considerable advantage, both as regards prices and steadiness of Trade, and will still enjoy a large measure of protection, as against foreign importations, and if the proposed diminution of duties on provisions shall receive the sanction of Parliament, no doubt can be entertained that a large additional source of profitable agriculture, and of advantageous commercial intercourse with the United Kingdom will be created. I believe that if the attention of the petitioners is called to the encouragement thus given to the importation of the agricultural produce of *Canada*, and also to the intended reduction in various other articles of Colonial industry, amongst which, as affecting *Canada*, the duties on Furs will be found to deserve particular notice, the petitioners will be satisfied that Her Majesty's Government, amongst the multifarious considerations which are necessarily involved in the Commercial and Fiscal arrangements of the British Empire, have not neglected the wishes or disregarded the interests of British *North America*; but have endeavoured to develop its resources and preserve unimpaired the intimate com-

DEBATES OF LEGISLATIVE ASSEMBLY

mercial connection which has so long and so beneficially existed between these important Provinces and the Mother Country.

I have, &c.

(Signed,) *Stanley.*

To the Right Honourable
Sir *Charles Bagot*, G. C. B.
&c. &c. &c.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker, two Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth: —
Charles Bagot,

Loan.

The Governor-General transmits herewith, in conformity with the intention expressed in his Speech at the opening of the Session, an Act of the Imperial Parliament, 5th & 6th Victoria, cap. 118, for guaranteeing the payment of the Interest on a Loan of One Million, Five Hundred Thousand Pounds, to be raised by the Province of *Canada*.

Government House,
Kingston, 24th September, 1842.
Anno Quinto & Sexto.
Victoriae Reginæ.
CAP. CXVIII.

An Act for guaranteeing the payment of the Interest on a Loan of one million five hundred thousand pounds, to be raised by the Province of *Canada*.

[12 August, 1842.]

WHEREAS Her Majesty was graciously pleased to signify to the Legislative Council and the Legislative Assembly of the Province of *Canada*, by a Message sent to the said Council and Assembly by the Governor General of the said Province, acting for and in the name of Her Majesty, that Her Majesty's Government was ready to propose to

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Loan.

Parliament to guarantee a Loan which might be required for Public Works in the said Province, (under certain restrictions therein referred to) and for the re-payment of such part of the Debt of the said Province as might be then redeemable, or might be held by creditors who should declare themselves willing to accept reasonable terms: And whereas, for the purpose of enabling Her Majesty to fulfil Her Majesty's gracious intentions so conveyed to the Legislative Council and Assembly of *Canada*, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, have resolved, that Her Majesty be authorized to guarantee the Interest, at a rate of not more than four *per centum per annum*, of a Loan to an amount not exceeding one million five hundred thousand pounds, for the service of the Province of *Canada*, and that provision be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the payment, from time to time, of such sums of money as may become payable by Her Majesty under such guarantee; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall be lawful for Her Majesty, Her Heirs and Successors, to guarantee the payment of the Dividends and Interest, not exceeding the yearly rate of four pounds in the hundred, on any principal sum or sums of money, not exceeding the sum of one million five hundred thousand pounds in the whole, which shall be raised for all or any of the purposes aforesaid, by Loan, Debenture, or otherwise, and the re-payment of which, with Interest not exceeding the rate aforesaid, shall be charged upon the Consolidated Revenue Fund of the said Province of *Canada*, under any Act passed or to be passed by the Legislature of the

Her Majesty may
guarantee a loan
of £1,500,000;
Explanatory Note.

To be charged
upon the Con-
solidated Fund
of the Province.

said Province, and assented to by Her Majesty, Her Heirs or Successors, and that for the purpose of giving effect to such guarantee it shall be lawful for the Lord High Treasurer, or any three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, to direct and cause to be issued and paid, out of the growing produce of the Consolidated Fund of the said United Kingdom, such sums as shall be required to make good any deficiency which shall happen in the regular payment of the Interest accruing due upon any such Loan as aforesaid, on the part of the said Province of *Canada*.

Advances out of
Consolidated
Fund of United
Kingdom to be
charged on Con-
solidated
Revenue Fund
of Canada.

3 & 4 Vic. c. 35.

Certificate of
amount paid
to be sent to
Canada.

Account to be
laid before
Parliament.

II. Provided always, and be it enacted, That all the sums so issued and paid out of the Consolidated Fund of the United Kingdom, with Interest upon the same after the yearly rate of five pounds in the hundred, to be computed from the several times of issuing the same, shall be charged upon the Consolidated Revenue Fund of the Province of *Canada*, and shall form the seventh charge upon the said Consolidated Revenue Fund, with preference to all payments which heretofore have been, or which hereafter shall be charged upon the said Consolidated Revenue Fund, other than the six charges preferably charged upon such Fund by an Act passed in the fourth year of the Reign of Her Majesty, intituled, "An Act to re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*."

III. And be it enacted, that the Lord High Treasurer, or three or more of the Commissioners of Her Majesty's Treasury, shall from time to time certify to one of Her Majesty's Principal Secretaries of State, the amount so paid from time to time, on account of the Interest on the said Loan ; and such certificate shall be communicated to the Governor-General of the said Province, and shall be by him communicated to the Legislative Council and the Legislative Assembly of the said Province ; and every such certificate shall be conclusive evidence of the amount so paid out of the Consolidated Fund of the said United Kingdom, and of the time when the same was paid, on account of the Interest of the said Loan.

IV. And be it enacted, That the Lord High Treasurer, or Commissioners of Her Majesty's Treasury, aforesaid, shall cause to be prepared, and shall lay before both Houses of Parliament, within fourteen days next after the beginning of every Session, an account of all sums from time to time issued out of the Consolidated Fund of the said United Kingdom, by virtue of this Act, towards making good any such deficiency as aforesaid, and also an account of all sums repaid by or recovered from the said Province of *Canada*, by reason of such advance, with the Interest paid or recovered thereon.

Charles Bagot,

The Governor-General transmits for the information of the House of Assembly, a copy of a Despatch from the Secretary of State, No. 15, 2nd March, conveying the Queen's decision on the Address to Her Majesty, passed by the House during the last Session, on the subject of the Seat of Government of the United Province.

Government House,

Kingston, 24th September, 1842.

(Copy.)

No. 15.

Downing Street,
2nd November, 1841.

Sir,

I have received Sir *Richard Jackson's* Despatch, No. 10, of the 28th September, forwarding an Address to the Queen from the Legislative Assembly of the Province of *Canada*, praying Her Majesty to order the Provincial Parliament to be held alternately at the Cities of *Quebec* and *Toronto*.

I have had the honour to lay that Address before the Queen, and I have received Her Majesty's commands to instruct you to acquaint

Seat of Govern-
ment.

the House of Assembly that Her Majesty is always desirous, so far as may be possible, of consulting the wishes of Her Loyal subjects in Canada, deliberately entertained and constitutionally expressed through their representatives in the House of Assembly; but that the establishment of *Kingston* as the seat of the United Legislature was not adopted without full consideration, and, that a change, involving among other consequences, largely increased expenditure, ought not to be sanctioned, except upon the clearest necessity, and the general sense of the Province unequivocally expressed in its favour.

Many and serious objections attach to the proposal for holding Sessions for alternate periods of four years each, at distinct and distant places, which, upon re-consideration, Her Majesty can hardly doubt will induce the House of Assembly to take a different view from that which is expressed in the Address now submitted to Her Majesty.

I have, &c.

(Signed,) *Stanley.*

To the Right Honourable
Sir *Charles Bagot*, G. C. B.
&c. &c. &c.

On motion of the Honourable Mr. *Harrison*, seconded by the Honourable Mr. *Hincks*,

Writ of Election,
county of York,

Ordered — That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament, for the Third Riding of the county of York, in the room and place of *James Edward Small*, Esquire, who, since his Election, hath accepted the Office of Her Majesty's Solicitor General, for that part of that Province formerly called *Upper Canada*.

Mr. *Harrison*¹¹ said as the session was to be a short one, he would therefore, as was heretofore the practice, request a certain day to be set apart to bring forward the government measures exclusively; he accordingly moved for the first order of the day to-morrow, for a committee of ways, and means; next for a committee of the whole, to consider the special ordinances of Lower Canada, relative to the administration of justice; and thirdly, for a committee of the whole to consider the repealing of certain ordinances of Lower Canada relative to the Rural Police.¹²

(47)

On motion of the Honourable Mr. *Harrison*, seconded by the Honourable Mr. *Hincks*,

Duty on Import.

(48)

Resolved — That this House will, on to-morrow, resolve itself into a Committee of Ways and Means, to consider the propriety of laying a duty upon Imports of Foreign Wheat into the Ports of this Province, and that it be then the first order of the day.

Administration
of Justice.

On motion of the Honourable Mr. *Harrison*, seconded by the Honourable Mr. *Hincks*,

Resolved — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to consider the propriety of repealing certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relative to the Administration of Justice, and that it be then the third order of the day.

Rural Police,
Canada East.

On motion of the Honourable Mr. *Harrison*, seconded by the Honourable Mr. *Hincks*,

Resolved — That this House will, on to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of repealing certain Ordinances relating to the establishment of a System of Rural Police in *Canada East*; and that it be then the fourth order of the day.¹³

Conference with
L. C. on printing
App'x.

On motion of Mr. *Morris*, seconded by the Honourable Mr. *Neilson*,
Resolved — That a conference be desired with the Honourable Legislative Council, upon the subject matter of the printing of the Documents submitted to both Branches of the Legislature, and hitherto contained in the Appendices to their respective Journals.

Ordered — That Mr. *Morris* do go to the Legislative Council, and desire the said conference.

Canada Corn.

Ordered — That two hundred and fifty copies of the Despatch from the Secretary of State for the Colonies, on the subject of the free admission of *Canada Corn* into *Great Britain*, be printed in each of the English and French languages, for the use of the Members of this House.

Sir Allan MacNab¹⁴ said, as the chairman of the Second Riding of York committee had not moved for a new writ, he would now do so, as he conceived it highly necessary to the interests of that county to have it fairly represented.¹⁵

Writ of Election
for County of
York.

(48)

Sir *Allan N. MacNab* moved, seconded by Mr. *Cartwright*, that Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the Election of one Member to serve in the present Provincial Parliament, for the second Riding of the County of *York*, in the room and place of *George Duggan*, Esquire, whose Election and Return have been declared void.

Mr. Neilson considered it more prudent to postpone the issue of the writ until the new election bill had passed; as from the present position of affairs in the county; there could be no election on just or equitable grounds; the arm of the law not being sufficiently strong to protect the people in the legitimate exercise of their rights.¹⁶ He did not think any loss could occur in the county ((b)y the present member holding his seat until then.¹⁷

(48)

The Honourable Mr. *Neilson* moved, seconded by Mr. *Boulton*, that the further consideration of the said motion be postponed until Monday next.

Mr. Hale said he now perceived the advantage of sitting on the Treasury benches; for while one honourable member will have his election furthered because he holds office, another must wait until a bill is passed. He saw no reason why any delay should take place in the matter.¹⁸

Mr. Roblin said there was no occasion to delay the issue of a writ where an honourable gentleman was going back to a peaceable constituency to be re-elected; the case was widely different where a constituency was in the highest state of excitement. He was credibly informed by a gentleman of respectability, that if Colonel Baldwin were to go to the Second Riding of York under the present state of the law, his life would not be safe. He therefore as chairman of that committee did not deem it prudent to move for a new writ, until the new election Act would be carried through.¹⁹

Mr. Harrison conceived it necessary for him to remark that it was his intention to take a step towards the progress of the election bill that day. It would come into operation on the 1st of January next, consequently no loss can follow to the county by the postponement. He should be the last man to oppose the exercise in the elective franchise to any constituency.²⁰

Mr. Boulton fully concurred with the observations of Mr. Harrison.²¹

Sir Allan MacNab said the remarks on violence at elections came with a bad grace from honorable members opposite; the members from Lower Canada knew well how elections have been carried there. He was as much opposed to intimidation and violence being practised by organised bodies, as any other man in the house. The law was strong enough to protect the elector. He was astonished at the opposition of the hon. gentleman opposite, who had done more to create election riots than any other man in Canada. He would press this motion

on the house, that the country might see who are the men who stood by the rights of the people.²²

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The question having been put upon the said motion, a division ensued, and the names being called for they were taken down, as followeth :

YEAS.

Armstrong, Barthe, Berthelot, Boutillier, Boulton, Cameron, Child, Christie, Cook, Delisle, DeWitt, Draper, Dunlop, Dunn, Durand, Foster, Gilchrist, Harrison, Hincks, Hopkins, Kimber, Leslie, D. McDonald, J. S. Macdonald, Merritt, Neilson, Noel, Papineau, Parent, Parke, Powell, Quesnel, Roblin, Harmannus Smith, Steele, Taché, Turcotte, Turgeon, D. B. Viger, L. M. Viger, and Williams. (41.)

NAYS.

Black, Burnet, Cartwright, Forbes, Hale, Jones, Sir Allan N. MacNab, McLean, Moffatt, Moore, Henry Smith, Sherwood, Taschereau, Thompson, Woods and Yule. (16.)

So it was carried in the affirmative ; and
Ordered — Accordingly.

Seat of Govrnt.

Ordered — That two hundred and fifty copies of His Excellency, the Governor-General's Message, with the Despatch relating to the seat of Government, be printed in each of the English and French languages, for the use of the Members of this House.

Pet. of Chas. Symmes.

Ordered — That Mr. Cameron have leave to withdraw the Petition of *Charles Symmes*, Esquire, of *Aylmer*, one of the Candidates at the late Election for the County of *Ottawa*, the said Petitioner not desiring this House to proceed thereon.

Leave of absence to Mr. Johnston.

Ordered — That Mr. Johnston have leave to absent himself from this House, until this day week, on urgent business.

Indices to Journals.

Resolved — That a Select Committee composed of Messieurs *Parent, D. B. Viger, Neilson, Dunlop*, and *Sir Allan N. MacNab*, be appointed to examine the progress made in the formation of General Indices to the Journals of the Houses of Assembly of the late Provinces of *Lower and Upper Canada*, pursuant to a Resolution of this House of the 8th of September 1841, and to Report their observations thereupon to the House ; with power to send for persons, papers, and records.

Freedom of Elections' Bill.

A Bill to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, on Wednesday next, and that it be then the first order of the day.

Lands for payment of debts.

The order of the day for the second reading of the Bill to render Lands in the hands of Executors and Administrators, more available as assets for the payment of Debts, being read,

Ordered — That the said order of the day be discharged.

Election Bill.

A Bill to fix the places of Election in the several counties in *Canada East*, was, according to order, read a second time.

Salmon Fishery Bill.

The order of the day for the second reading of the Bill to regulate the Salmon Fisheries, in the District of *Gaspé*, being read,

Ordered — That the said order of the day be postponed until Friday, the thirtieth instant.

Bill proportioning punishment.

A Bill for better proportioning the punishment to the Offence in certain cases, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Bill, desertion
of Seamen.

A Bill to amend the Act therein mentioned, relative to the Desertion of Seamen, and others in the Sea Service, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Members'
Seats Vacation
Bill.

The order of the day for the House in Committee, on the Bill to make the Law for vacating the Seats of Members of the Legislative Assembly, accepting office, and for filling up vacancies in that Body, uniform throughout this Province, being read;

The House accordingly resolved itself into the said Committee.

Mr. *Cartwright* took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. *Cartwright* reported that the Committee had gone through the Bill, and had made an amendment thereto; which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Montreal boun-
dry Bill.

The order of the day for the House in Committee, on the Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient Boundaries and Limits of the city of

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Quebec boun-
dry Bill.

Montreal; and the Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient Boundaries and Limits of the city of *Quebec*, being read.

The House, accordingly, resolved itself into the said Committee.

Mr. *Barthe* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Barthe* reported that the Committee had gone through the first of the said Bills, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Offices and
departments of
House.

The order of the day for the House in Committee, on the First Report of the Special Committee appointed to enquire into the present state of the Offices and Departments of this House, with a view of ascertaining if any, and what, vacancies have occurred by resignation or otherwise, since the last Session, and the necessity of filling such vacancy, if any there be, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Boulton* took the chair of the Committee,²³

((The House accepts the)) Report of Select Committee appointed to inquire into the Officers of the House, who recommend Mr. Franeois (sic) Garneau, as Assistant French Translator, with a salary of £200 currency per annum.²⁴

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and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. *Boulton* reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

Jesuits' Estates.

The order of the day for the House in Committee, on the First Report of the Special Committee, to which was referred that part of the Petition of the Reverend T. Cooke, S. B. Hart, and others, Inhabitants of the District of *Three Rivers*, praying for the application of the Jesuits Estates to the purposes of Education in *Canada East*, and for the concession of the Crown Lands in the rear of the town of

DEBATES OF LEGISLATIVE ASSEMBLY

Three Rivers; and the Petition of certain Censitaires in the Fiefs and Seignories belonging to the late order of Jesuits in the town and District of *Three Rivers*, being read.

The House accordingly resolved itself into the said Committee.
Sir Allan N. McNab took the chair of the Committee;

Some amendments were made in the bill in which the house concurred.²⁵

Mr. Kimber moved for an address to His excellency for a collateral settlement being formed of the unoccupied lands on the river St. Maurice, and in the rear of said town, as there were considerable benefits derived therefrom, particularly in the neighbourhood of Three Rivers; and for steps being taken to prevent such lands being held without proper settlement; and further, that the proper law officer of the Crown might be enabled to give notice of prosecution to such holders as are at present occupying the lands.²⁶

Mr. Cameron said that notice should be given of the motion. He also suggested the advantage of dividing the resolution as it contained more than one object, so that many who would support a part would oppose the whole.²⁷

After some other remarks, **Mr. Kimber** withdrew his motion.²⁸

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and after some time spent therein,

Mr. Speaker resumed the chair,

And Sir Allan N. MacNab reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved — That this House doth concur with the Special Committee in the said Report.

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to take into his favourable consideration the benefits which may be derived to the Province generally, and the locality of the town and the neighbourhood of *Three Rivers*, in particular, from opening to actual settlement the unoccupied lands on the River St. Maurice, or in the rear of the said town, and preventing large tracts in that vicinity from being held without the enforcing the conditions of settlement as provided by Law. That His Excellency will also be pleased to take into his consideration the ruinous effects which would result under the present distressed state of the agricultural population on the Jesuits Estates in that neighbourhood, from prosecutions for arrears, which have long been suffered to accumulate, and cause such prosecutions to be suspended, till after the close of the ensuing Session of the Legislative.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Winter Roads.

The order of the day for the House in Committee, on the Bill to amend and repeal, in part, two certain Ordinances therein mentioned, relative to Winter Roads, in that part of the Province formerly called Lower Canada, being read.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Neilson took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the chair,

And the Honourable Mr. Neilson reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, tomorrow.

Qualification of Justices' Bill.

The order of the day for the House in Committee, on the Bill to revive a certain Act of the Legislature of Lower Canada, for the qualification of Justices of the Peace, being read.

Ordered — That the said order of the day be postponed, until Wednesday next.

Then, on motion of the Honourable Mr. *Viger*, seconded by Mr. *Taschereau*,

The House adjourned.

Appendix, 26 September 1842.

((Notice of Proposed Motions.))²⁹

Mr. Draper gave notice of bills to repeal the Lower Canada Bankrupt law, and pass a Bankrupt law for the whole Province³⁰, for Wednesday³¹.

Mr. Draper gave notice ... also ((of)) a bill to amend the District and Division Court Acts.³²

Mr. Neilson gave notice of an address for returns of all members of ((the)) Assembly appointed to office, with their salaries, also of the Board of Works and payments to them.³³

Mr. Boulton gave notice of an Address for returns of all Heads of departments, clerks, &c, and their fees &c and of all patent officers, having above £300 per annum, appointed to office in Lower Canada.³⁴

Mr. Christie gave notice of a bill to amend the Division Court Act and the Municipal Council Ordinance.³⁵

((Rejected Petition Re : Ladies Protestant Orphan Asylum of Quebec.))

((The petition of)) Ladies' Protestant Orphan Asylum of Quebec ... was objected to as informal.³⁶

Mr. Moffatt remarked that the Ladies were excusable.³⁷

Footnotes — 26 September 1842.

1. "Presented by Mr. Dunn." MONTREAL TRANSCRIPT, 1 October 1842.

2. Presented by Mr. Hincks, according to MONTREAL TRANSCRIPT, 1 October 1842.

3. Presented by Mr. Hincks, according to MONTREAL TRANSCRIPT, 1 October 1842.

4. Presented by Mr. Williams, according to MONTREAL TRANSCRIPT, 1 October 1842.

5. Presented by Mr. Moore, according to MONTREAL TRANSCRIPT, 1 October 1842.

6. Presented by "Mr. Powell. — Referred to a Committee." MONTREAL TRANSCRIPT, 1 October 1842.

7. Presented by Mr. Hale, according to MONTREAL TRANSCRIPT, 1 October 1842.

8. Presented by Mr. Black, according to MONTREAL TRANSCRIPT, 1 October 1842.

9. Presented by Mr. Black, according to MONTREAL TRANSCRIPT, 1 October 1842.

10. Presented by Mr. Yule, according to MONTREAL TRANSCRIPT, 1 October 1842.

11. The following remarks were reported by : LE CANADIEN, 30 September 1842 ; MONTREAL GAZETTE, 29 September 1842 ; BRITISH COLONIST, 5 October 1842 ; and MONTREAL TRANSCRIPT, 1 October 1842.

12. BRITISH COLONIST, 5 October 1842.

13. LE CANADIEN, 30 September 1842, contains a commentary on this motion.

14. The debate on this motion was reported by : LE CANADIEN, 30 September 1842 ; MONTREAL GAZETTE, 29 September 1842 ; EXAMINER, 5 October 1842 ; BRITISH COLONIST, 5 October 1842 ; and MONTREAL TRANSCRIPT, 1 October 1842. The BRITISH COLONIST and the EXAMINER are almost identically worded except the EXAMINER omits the opening speech by Mr. Harrison, and the BRITISH COLONIST's reports of other speeches are sometimes shortened.

15. BRITISH COLONIST, 5 October 1842.

16. IBID.

17. EXAMINER, 5 October 1842.

18. BRITISH COLONIST, 5 October 1842.

19. IBID.

20. IBID.

21. IBID.

22. IBID.

23. The following was reported in : MONTREAL GAZETTE, 9 September 1842 ; and MONTREAL TRANSCRIPT, 1 October 1842.

24. MONTREAL GAZETTE, 29 September 1842.

25. BRITISH COLONIST, 5 October 1842.

26. IBID.

27. IBID.

28. IBID.

29. The following notices were reported by : EXAMINER, 5 October 1842 ; and KINGSTON CHRONICLE, 28 September 1842.
30. EXAMINER, 5 October 1842.
31. KINGSTON CHRONICLE, 28 September 1842.
32. EXAMINER, 5 October 1842.
33. IBID.
34. IBID.
35. IBID.
36. MONTREAL TRANSCRIPT, 1 October 1842.
37. IBID.

Tuesday, 27 September 1842.

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Bank Statements.

Mr. Speaker laid before the House, general statements of the affairs of the Bank of *Upper Canada*; of the Commercial Bank of the *Midland District*; of the Bank of *Montreal*; and of the *Quebec Bank*, received in conformity to an order of this House of the seventeenth instant.

[For the said Statements, see Appendix (R.) at the end of this Volume.]

A message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

Mr. Speaker,

Bacon's relief.

The Legislative Council have passed a Bill, intituled, "An Act to authorize the Courts of Queen's Bench and Chancery to admit *William Vynne Bacon*, to practise therein as an Attorney and Solicitor, "respectively," to which they desire the concurrence of the Assembly; and also —

Legislative Council,

Tuesday, 27th Sept. 1842.

Appendices to
Journals.

Ordered — That the Master in Chancery, do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council agrees to the conference desired upon the subject matter of the printing of the documents submitted to both branches of the Legislature, and hitherto contained in the Appendices to their respective Journals; and that the managers on the part of this House are to be the Honourable Messieurs *De Blaquiere* and *Hamilton*, who are to meet the number as managers on the part of the Legislative Assembly, required by Parliamentary usage, to-morrow at half-past three o'clock, in the joint Committee Room of the Legislative Council.

Attest.

Charles de Lery,
D'y. Clerk Leg. Council,

And then he withdrew.

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Bacon's relief.

An engrossed Bill from the Legislative Council, intituled: "An Act to authorize the Courts of Queen's Bench and Chancery to admit *William Vynne Bacon*, to practise therein as an Attorney and Solicitor respectively," was read for the first time.

26 Petitions
brot. up.

The following Petitions were severally brought up, and laid on the table: —

By Mr. *J. S. Macdonald*, the Petition of *J. B. Baby*, and others, Freeholders and Inhabitants of the *Western District*; and the Petition of the Municipal Council of the *Eastern District*.

By Mr. *Foster*, the Petition of *William Taylor*, and others, directing officers of the *Shefford Academy*; and the Petition of *Washington Frost*, and others, Inhabitants of *Granby*, in the Municipal District of *Missisquoi*.

By Mr. *Black*, the Petition of the Honourable *William Walker*, and others, of *Quebec*; the Petition of *Joseph Plante*, and others, Pilots for and below the Harbour of *Quebec*; and the Petition of the Trustees of the *Quebec Turnpike roads*.

By Mr. Cameron, the Petition of *William Bell*, and others, land owners on the River Tay; the Petition of *John Pattie*, and others, Members of the *Ottawa Total Abstinence Society*; and the Petition of *Henry Mulholland*, and others, of *Montreal*.

By Mr. McLean, the Petition of *Hugh McKinnon*, and others, of the township of *Finch*; and the Petition of the Reverend *Andrew Balfour*, of the village of *Waterloo*.

By Mr. Boswell, the Petition of *George G. Boswell*, and others, of the town of *Cobourg*; and the Petition of the Board of Police of *Cobourg*.

By Mr. Leslie, the Petition of *John Clark*, and others, Inhabitants of *Côte St. Martin, Longue Pointe*, and other places.

By Mr. Dunscombe, the Petition of *George Pringle*, and others, of *Hemmingford*, and other places, relating to Division Courts; and the Petition of *George Pringle*, and others, proprietors and occupiers of land in *Hemmingford*, and other places, relating to agriculture.

By Mr. Cook, the Petition of the Municipal Council of the *Home* District, relating to assessments; and the Petition of the Municipal Council of the *Home* District, relating to the periods of their meetings.

By Mr. Taschereau, the Petition of the Municipal Council of the District of *Dorchester*, relating to Tavern Licenses; and the Petition of the Municipal Council of the District of *Dorchester*, relating to the Sleigh Ordinance.

By Mr. Hopkins, the Petition of the Municipal Council of the *Gore* District.

By the Honourable Mr. Neilson, the Petition of the Ladies of the Committee of the *Quebec Infant School*.

By Mr. Simpson, the Petition of *Henry Hoyle*, and others, Inhabitants of the Seignory of *Lacolle* and *Delery*; the Petition of Messieurs *Macpherson, Crane* and Company, and others, concerned in the Forwarding Table relating to water communication; and the Petition of *Lewis Odell*, and others, of the Seignory of *Lacolle*.

An engrossed Bill for better proportioning the Punishment to the Offence in certain cases, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. Black do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill, to amend the Act therein mentioned, relative to the Desertion of Seamen, and others, in the Sea Service, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. Black do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossing Bill, to make the Law for vacating the Seats of Members of the Legislative Assembly accepting Office, and for filling up vacancies in that Body, uniform throughout this Province, was read for the third time.

Resolved — That the Bill do pass, and that the Title be, “An Act “to make the Law for vacating the Seats of Members of the Legislative “Assembly, accepting Office, uniform throughout this Province.”

Ordered — That Sir Allan N. MacNab do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient Boundaries and Limits of the city of *Montreal*, was read for the third time.

Resolved — That the Bill do pass, and that the Title be, “An Act “to restore, for purposes relative to the Election of Members of the “Legislative Assembly, the ancient Boundaries and Limits of the cities of *Quebec* and *Montreal*.”

Bill, apportioning punishment to offence.

Bill, desertion of Seamen.

Seats vacation Bill.

Montreal boundaries' Bill.

Ordered — That Mr. *Leslie* do carry the said Bill to the Legislative Council, and desire their concurrence.

Timber inspection Bill.

Mr. *Cameron*, from the Select Committee to which was referred the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same, reported that the Committee had gone through the said Bill, and had made several amendments thereto ; which amendments were again read at the Clerk's table.

Ordered — That said Bill and Report be referred to a Committee of the whole House, on Thursday next.

Report on Petition of Walter Willson, and others.

Mr. *Thompson*, from the Special Committee to which was referred the Petition of *Walter Willson*, and others, Inhabitants of the town of *Niagara*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth : —

"That they have examined into the prayer of the said Petition, and recommend, that the said town be incorporated, under certain conditions."

Resolved — That this House doth concur with the Special Committee, in the said Report.

Niagara incorporation Bill.

Ordered — That Mr. *Thompson* have leave to bring in a Bill to incorporate the town of *Niagara*, and to establish a Police therein.

He accordingly presented the said Bill to the House ; and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Report on Petition of Mrs. M. G. P. Painchaud, and others.

Mr. *Parent*, from the Special Committee to which was referred the Petition of Mrs. *M. G. P. Painchaud*, and other Ladies, of *Quebec*, praying for an incorporation, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth :

"Your Committee have examined the said Petition, and after mature deliberation thereon, have agreed to report a Bill to incorporate the charitable association of the Roman Catholic Ladies of *Quebec*."

Resolved — That this House doth concur with the Special Committee, in the said Report.

Roman Catholic Ladies charitable association Bill.

Ordered — That Mr. *Parent* have leave to bring in a Bill to incorporate the charitable association of the Roman Catholic Ladies of *Quebec*.

He accordingly presented the said Bill to the House ; and the same

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was received and read for the first time, and ordered to be read a second time, on Thursday next.

Appendices to Journals.

Resolved — That four Managers be appointed, to meet the Managers appointed by the Legislative Council, at the time and place appointed for holding the conference desired upon the subject matter of the printing of the documents submitted to both branches of the Legislature, and hitherto contained in the Appendices to their respective Journals.

Ordered — That Mr. *Morris*, the Honourable Mr. *Neilson*, Mr. *Parent*, and Mr. *DeWitt*, be appointed Managers, on the part of this House.

On motion of the Honourable Mr. *Viger*, seconded by Mr. *DeWitt* ;

Bacon's Relief Bill.

Ordered — That the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Courts of Queen's Bench and "Chancery to admit *William Vynne Bacon* to practise therein as an "Attorney and Solicitor respectively," be read a second time, on Friday next.

Dr. Dunlop¹ moved for an address to his Excellency for correspondence relative to the surrender of Nelson Hackett to the authorities of Arkansas.²

Deferred, Mr. Harrison not being in the house.³

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Public Lands.

On motion of Mr. Christie, seconded by Mr. Kimber,

Resolved — That this House will, on Thursday next, resolve itself into a Committee of the whole House, to take into consideration the expediency of amending an Act passed in the last Session of the Legislature, "For the disposal of Public Lands."

Timber Duties.

On motion of Mr. Cameron, seconded by Mr. Dunlop;

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House a detailed statement of the duties on Timber — the names of the parties paying such duties — and the number of pieces or logs for which such duties were paid, at the office of the Commissioner of Crown Lands, in Bytown; with a statement in detail of the disbursement for the said office, in 1841.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Nelson Hacket.

On motion of Mr. Dunlop, seconded by Mr. Thompson;

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House the correspondence relative to the surrender of Nelson Hacket to the authorities of Arkansas.⁴

Dr. Dunlop again rose to move an address for the correspondence relative to the case of Nelson Hackett, Mr. Harrison coming in, whom he had no doubt would give some explanation to the house. Nelson Hackett was a slave who had effected his escape from Arkansas into this country, whither he was pursued, and charged with larceny. He was consequently arrested and examined, but the magistrate could find nothing in the evidence produced to sustain the charge. — Nevertheless he was detained in prison until a new story could be trumped up and witnesses brought all the way from Arkansas who could swear a little harder than those who had preceded them, and then convicted and delivered up. He was informed that the man who took Hackett across avowed the charge of larceny was a mere ruse to get possession of him for the purpose of making the prisoner an example to other slaves. He had not heard through the public prints, that that individual had been tried. There was a law in Arkansas that every colored person found at large could be seized and taken as the property of the individual seizing him, and he felt rather suspicious that all was not correct. It had created much excitement in England, and he thought it was the duty of the house to make inquiries concerning it.⁵

Mr. Harrison had no objection to furnish the whole of the correspondence. The whole of the proceedings had already gone home, and ((been)) submitted to eminent jurists there, and the imperial government had expressed its satisfaction with the proceedings of the Executive here. The individual Hackett had been claimed by the Governor of Michigan, but as the alleged offence had not been committed in his jurisdiction, he had been subsequently claimed by the Governor of Arkansas, on a charge of larceny. That charge had been sustained on the clearest evidence, as well as on the confession of Hackett himself. He was perfectly satisfied that when the papers would be laid on the table, the course taken by the government would appear justifiable.⁶

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Ordered — That the said Address be presented to His Excellency by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Neilson, seconded by Mr. Cartwright;

Members who have accepted Office.

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a List of all Members returned at the late General Election, or since, to serve in this House, who have accepted of, or been appointed to, any Office under the Provincial Government, or as Commissioners, or otherwise, with the date of their acceptance or appointment, and the amount of their salaries, allowances, fees or emoluments, respectively.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Neilson, seconded by Mr. Boulton;

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a list of the Members and Officers of the Board of Works, and of all persons employed under its authority, and in what situations, and the amount of payments to such persons severally; said payments not being for services or work performed under contract or public competition; payments to common labourers only excepted.

Members and Officers of Board of Works.

Mr. Harrison said from the length of time necessary to make out such documents as were required, it would hardly be possible to lay them on the table sooner than the commencement of the next session.⁷

Mr. Neilson said that time would answer.⁸

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Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Tabular Return of Executive Departments.

On motion of Mr. Boulton, seconded by Mr. Cartwright;

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a Tabular Return from each Department of the Executive Government for the years 1840, 1841 and 1842, exhibiting the names of the Heads of, and the subordinate persons employed, in such Departments, with the designation of such persons respectively, whether Clerks, Assistants, permanent or supernumerary, Messengers or otherwise; with the amount of salary accorded to each, and the fees, if any, receivable by such Heads of Departments, or their subordinates, and, if any, for what services and by whom payable; and under what authority such salaries and fees have respectively been established; and also the Contingent Expenses of each Department, classed under the various heads of expenditure applicable thereto.⁹

Dr. Dunlop opposed this ... motion, as tending to occupy the time of Clerks in making out a list as long as Paterson's Road-Book. —¹⁰

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Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Return of names of Patent Officers.

On motion of Mr. Boulton, seconded by Mr. Taché,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a Return of the names

of the various Patent Officers who have been appointed since the division of the late Province of *Quebec* into the Provinces of *Upper* and *Lower Canada*, to any Judicial or Executive employment in the late Province of *Lower Canada*, the salary or emoluments whereof have amounted to £300, or upwards, designating the date of each appointment and salary and other emoluments receivable by each functionary so appointed.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

The Honourable *S. B. Harrison* laid before the House, by command of His Excellency, the Governor-General : —

Militia Claims.

Return to an Address of the House of Assembly to His Excellency, the Governor-General, bearing date the 21st September 1842, and praying His Excellency to cause the Proper Officer to lay before the House, copies of the last Report of the Commissioners and of the Secretary of the late Board on Militia Claims for *Lower Canada*, and also copies of all instructions which may have been given to the Com-

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missioner of Crown Lands on that subject, subsequently to the time when the Board ceased its operations.

By command,

D. Daly,

Secretary.

Secretary's Office, *East,*

Kingston, 24th September, 1842.

Return to an Address of the Legislative Assembly to His Excellency, the Governor-General, dated 21st September 1842, calling for copies of the last Report of the Commissioners and of the Secretary of the late Board on Militia Claims for *Lower Canada*, and copies of all instructions which may have been given to the Commissioner of Crown Lands on that subject, subsequently to the time when the Board ceased its operations.

The Commissioners do not appear to have signed any formal Report after the 31st December, Mr. *Langevin*, the Secretary, who was instructed to perfect all matter which had been admitted by the Board, made a formal Report on the 22d May, a copy of which is now transmitted. On the removal of the Office from *Quebec*, the boxes, with the Militia papers, were sent to the Land Office, but without any further instructions than a verbal order to deliver to the parties entitled to receive it any scrip signed by the Commissioners, which had not been applied for at *Quebec*.

John Davidson.

Crown Lands Office,

Kingston, Sept. 24th, 1842.

To His Excellency, the Right Honourable *Charles Baron Sydenham*, Governor-General of British *North America*, and Captain General and Governor-in-Chief in and over the Province of *Canada*, &c. &c. &c.

Report of the proceedings of the Board for Militia Claims appointed by His Excellency, the late Earl of Durham, then Governor-General, by Proclamation of the 11th September, 1838, (Appendix A.) with certain remarks connected therewith.

The Militia Claims recognized by the Board, under the authority vested in them by said Proclamation, or by subsequent Instructions, are comprised in five Lists, (Appendices B. C. D. E. F.) of which the following is an abstract.

What List.	Cases transmitted for Letters Patent.	Acres.	Cases satisfied by scrip.	Acres.	Cases for which either Letters Patent or scrip may issue.	Acres.	Cases for which scrip only can issue, and is actually prepared.	Acres.	Total cases recognized.	Acres.	Including cases satisfied through J.L. between 1 January and 1 April, 1841.	Acres.
List No. 1, cases originally located	297	41135	177	30548	131	15200	33	4008	638	90891	21	4500
List No. 2, scrip cases not located			799	115800			105	12900	904	128700	64	6600
List No. 3, similar cases			586	68700			169	19700	755	88400	88	9400
List No. 4, do. do.			454	53200			54	9200	508	62400	168	21100
List No. 5, viz :												
Cases originally located	10	3600	1	500	14	3900	2	200	53	12592	5	700
Do. not located			26	4392					2858			
Less, for cases twice mentioned in the accompanying Lists, (Appendix G.)									13			
Total	307	44735	2043	273140	145	19100	363	46008	2845	382983	346	42300

Brought down, total recognized Cases 2845 Acres 382983

To which may be added the Militia cases satisfied independently of either of the two Militia Boards, by issue of, or reference for, Letters Patent, in so far as the same has been ascertained by the late Board, (Appendix II.) 532 157538

Also, the Militia cases under location, investigated by the first Board, appointed by the Earl of Gosford, on the 22nd February, 1837, (Appendix I.) comprised in two Lists, dated, respectively, 25th August, 1837, and 15th January, 1838, (Appendix K.) as subsequently furthered on for Letters Patent 329 51416

Total Militia cases recognized 3706

Total Land required to satisfy the said cases 591937

On the portion of said quantity of land for which scrip has issued, or may hereafter issue, there will be a saving to Government of about thirty per cent, owing to the nominal price at which land is reckoned in the scrip being but 3s. 6d. while the present selling prices, after which said scrip is redeemable, are 4s. and 6s., the medium of which is 5s. per acre for Crown lands.

It may, perhaps, be proper to state here, that there are still among the documents of the late Board, papers relating to numerous Militia claims which, owing to the sudden closing of its proceedings on the 31st December 1840, by command of Your Excellency, remain uninvestigated, and from which if duly classified and examined, might eventually be found entitled to the Militia bounty, at least 500 more cases, to satisfy which, if by scrip, would require about 500000 more acres of land.

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Exclusive of the scrip filled up, and remaining undelivered, as before mentioned, there remains among the papers of the said late Board, blank scrip, as follows :

DEBATES OF LEGISLATIVE ASSEMBLY

	Copies
English scrip book, numbered from 1 to 500, signed, but not filled up	251
French do. 2001 to 2200 counting 500 copies numbered in part only, signed, but not filled up	334
Another French scrip book, numbered by mistake from 2001 to 2500, signed partly by one, and partly by more of the Commissioners, but not filled up	500
Scrip on loose sheets,	
In English, signed, but not filled up	42
In French do. do.	1
Do. neither signed nor filled up	54
Total copies remaining	1182

none of which, however, nor any of the scrip filled up, and remaining undelivered, are countersigned by the undersigned, as Secretary to the late Board.

The whole, nevertheless, respectfully submitted.
Quebec, 22nd May, 1841.

(Signed.) *Jean Langevin,*
Late Secretary to the Board
for Militia Claims.

Certified,
John Davidson.

The Honourable *Francis Hincks*, laid before the House, by command of His Excellency, the Governor General :

Statement of the amount received from the several Treasurers of the different Districts of that part of the Province formerly *Upper Canada*, collected especially as an Indemnity to Members of the Legislature, and paid into the hands of the Honourable the Receiver-General, since 1st January 1841.

Furnished pursuant to an Address from the Honourable the Legislative Assembly, of 23d September, 1842.

Indemnity to
Members.

District.	Date of Payment.	Amount, Currency.			Remarks.
		£	S.	D.	
<i>Bathurst</i>	13th June, 1842	184	0	0	
<i>Brock</i>	6th December, 1841	31	10	9	
<i>Colborne</i>					Proclaimed 14 th October, 1841.
<i>Dalhousie</i>					Proclaimed 19 th March, 1842.
<i>Eastern</i>					
<i>Gore</i>					
<i>Home</i>					
<i>Huron</i>					Proclaimed 14 th October, 1841.
<i>Johnstown</i>					
<i>London</i>					
<i>Midland</i>					
<i>Newcastle</i>					
<i>Niagara</i>	6th April, 1842	224	15	7	
<i>Ottawa</i>					
<i>Prince Edward</i>	10th February, 1842	68	10	0	
<i>Talbot</i>	6th January, "	142	15	0	
<i>Victoria</i>	15th January, "	164	8	3½	
<i>Wellington</i>	30th December, 1841	160	15	0	
<i>Western</i>	26th January, 1842	11	5	0	
	Total	£	987	19	7½

Inspector General's Office,
Kingston, 24th September, 1842.

Report on Offices
and Departments
of House.

Mr. *Boulton*, from the Committee of the whole House, on the first Report of the Special Committee appointed to enquire into the present state of the Offices and Departments of this House, with a view of ascertaining if any, and what, vacancies have occurred by resignation, or otherwise, since last Session, and the necessity of filling such vacancy, if any there be, reported, according to order, the Resolution of the said Committee; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth: —

Resolved — That this House doth concur with the Special Committee in the appointment of Mr. *F. X. Garneau*, as Assistant French Translator to this House, with an annual salary of two hundred pounds, currency.

Rivers obstruction
prevention
Bill.

A Bill for better preventing the obstruction of Rivers and Rivulets, in *Canada East*, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, to-morrow.

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Quebec Gas-light
Bill.

A Bill to incorporate a Company under the style and title of "The Quebec Gas Light and Water Company," was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, on Friday next.

Duty on Imports.

The order of the day for the House in Committee of Ways and Means, to consider the propriety of laying a duty upon Imports of Foreign Wheat into the Ports of this Province, being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *Leslie* took the Chair of the Committee,¹¹

Mr. *Harrison*, who proposed the Bill, made some remarks on the importance of the measure; that as it required the sanction of the Imperial Parliament, it demanded immediate attention, that advantage might be taken of the ensuing Session of that body.¹² He apprehended there would be little hesitation on the part of the house in passing the resolution which he was about to propose to them.¹³ Mr. *Harrison* made some allusion to the correspondence between Lord Sydenham and the Colonial Secretary, and stated that it would be seen that the privilege of originating measures relative to colonial trade had been ceded by the Imperial Government¹⁴. The Mother Country thinking the Province the best judge, has left it in our own hands, and we must feel grateful to her for the deep interest she has taken in our commercial affairs. The trade of the Colony will not be interfered with by this proceeding; there are no commercial restrictions placed on us; if this Province lay such a tax on wheat coming from foreign countries as will prove protective to the agricultural interests, our corn then will go to Britain duty free. It is in the spirit of this understanding that he now came forward with this proposition; and sure was he that it would be carried out to the letter by the Home Government. The great benefit we shall derive from this is, that Canadian wheat will go at once from us duty free, thus affording a wide and extensive field for our produce. The sum he proposed was 3s. sterling per quarter, and that is about 4d. per bushel.¹⁵ The Imperial Legislature consider this a safe duty, and the wisest course they could adopt was to take that sum.¹⁶ If it was considered too low, however, the rate could be easily altered hereafter, as the question was now a local one, having been left to the House to decide. He had taken the course of proposing a duty on the article of wheat, and omitting for the present, others upon which it was intended to impose protective duties, because the matter could be disposed of more easily by considering only one proposition now, as the whole subject would occupy a long time in discussion, and the present session would soon close. At the next session they could enter upon the proposition of taxing the inferior grains, with beef, mutton, &c.¹⁷ No evil will occur to the Province from this delay. With regard to the duty on Canada wheat going into Britain, that can only be entertained by the Home Government. The step on their parts should be taken as soon as possible, as it is known that the Imperial Parliament sits soon after Christmas, and during the spring. If therefore the proposition now before the Assembly is not carried through, so as to be laid before the House of Commons early in the ensuing year, it may, by deferring it to next Session, be too late

to bring it forward at that advanced period of the session at Home. Wheat is the only article that we are compelled to go on with, as that is the only article involved in the correspondence before the house. He concluded by proposing a resolution to the effect, that it be deemed expedient to impose a duty of three shillings sterling per quarter on foreign wheat coming into Canada.¹⁸

Mr. Durand said he regretted that the hon. member for Kingston had thought it expedient to omit other articles of agricultural produce equally important with that of wheat; if the house allowed the present session to pass over without doing anything for the agricultural interests in respect to the articles which had been omitted, there would be nothing done this year!¹⁹ The people are anxiously looking for the measure. He had himself proposed to bring forward a Bill to protect agricultural produce generally, but was told the Government intended to do it; he also thought the duty imposed, or about to be imposed, was too small.²⁰

Dr. Taché said it was a half measure; that agricultural produce, generally, should be protected. Our Canadian markets are full of American produce. The Resolution, he was confident, would not be supported by the Members for Lower Canada.²¹

Mr. Viger was opposed to every species of protecting duties; as they were in all cases imposed at the expense of some part of the community, but as the Imperial Government had conceded to the house the right of legislation for the country in matters relating to its commerce, and was also desirous to extend the further boon of admitting our agricultural productions free of duty, he did not see that there could be any opposition of the imposition of a duty here upon the imports from a foreign country, to whom Great Britain did not think proper to extend that privilege. It was not for that House to say what course the mother country should adopt in relation to the commerce of other countries; it was sufficient that we were favored. He deemed protective duties as a part of a system of bad political economy, but as regards these Provinces, the propositions submitted was (sic) a most generous one, (hear, hear).²²

Sir Allan MacNab recommended, first to take the sense of the house on the laying on of the tax, and afterwrads (sic) to decide on the amount to be laid on. There were two propositions contained in the resolution, it would be better therefore to strike out one of them and go on with the other by itself.²³

Mr. Harrison did not object, it could be done one way as well as another, but were the motion to remain as it is, it would be a great saving of time to the country.²⁴

Mr. Hincks, as a member of the Government, had, with great reluctance, consented to postpone the general measure of agricultural protection; but this was the most pressing of any, and required immediate attention.²⁵ The hon. member for Richelieu expressed himself opposed to all protective duties, but he would ask why was it that one interest was to be protected at the expense of another. We have protective laws for our shipping, and other interests and were we to exempt only the agricultural produce of our country from the general system of protection? Why not impose duties, for the purpose of revenue, upon these as well as upon mechanical productions. Under the present system, one class was paying largely for articles for the benefit of another class, a system under which the agriculturists particularly suffered.²⁶

It has been said that the Upper Canadians are anxious to protect their own interests, at the expense of the Lower Canadians; this is not so; I defy any man to prove it so.²⁷ He did not believe that the farmers desired large duties — they did not seek to be enriched at the expense of the other portions of the population. He did not deem it necessary now to go into the other questions, the Governor General had been directed to co-operate with the house on these subjects, and instead of vexatious delays from session to session, and from year to year, which had formerly taken place, the matter could be at once decided by the house. He had no doubt that this change was effected through the great agricultural petition, and hon. gentlemen would bear in mind that the prayer of that petition was not so much that a specific duty should be imposed, as that the Governor General should be directed to co-operate with the Legislature in measures which Parliament might deem necessary for the protection of agricultural interests. That prayer had been granted, and he did not conceive that a delay of three or four months would do any injury to the country. He had no doubt the house by a large majority would declare in favor of a moderate duty on wheat. With respect to the objections from Eastern Canada, he could not conceive that there was any plausibility or weight in them. The price of flour would be regulated by the

demand in the home market, and the price in Lower Canada could not be more than the supply of the home market would warrant. He conceived it a fallacy to suppose that the burthen of the tax would fall upon the consumer, and was of opinion that it could not be shown to him that the tax could operate upon any other than the American produce. He had no idea that American wheat would be admitted into England as Canadian after paying the duty here, still less would American flour — if the wheat was entered here and ground into flour, then he had no doubt it would go as Canadian flour, as at present, but as to the fear entertained that this trade might be carried to such an extent as eventually to demand a stoppage, he was of opinion that there was not enough capital in the country to purchase western wheat to an extent sufficient to effect such a change. Upper Canada was a wheat growing country, and imported their chief imports from Great Britain. Now, he was desirous of paying for the imports by the export of grain, and it could not be expected that Lower Canada should interpose to prevent such an interchange.²⁸

Hon. Mr. Moffatt. — This is a proposal on the part of the Imperial Government, to remove a duty on Canada wheat, on condition of the imposition of a duty on American wheat. It is by no means certain that this will be of the advantage anticipated ; it will have a serious effect on the inland trade ; it will turn off that channel of exportation from Western America, which is now of such vital importance to Canada. By a slight change, boats of heavy tonnage can be brought down from the Upper Lakes, to the shipping ports of the St. Lawrence. It cannot for a moment be thought, that American wheat, after paying a duty in Canada, would be admitted into England as Canada wheat. The Honourable Member ((then)) laid down the political economy of the measure at length²⁹.

Dr. Dunlop said that the hon. member for Oxford appeared extremely desirous to protect the interests of the farmers of Upper Canada, but, however good his intentions, he must allow them to know their own business best. He thought he could manage his farm far better himself than if the whole house was to sit there and direct him, and the farmers of the country were in the same predicament. We have been told by the hon. gentlemen that the present session is to be a short one. Why should it be a short one ? Why, when a measure of this enormous consequence is coming before the house ? When a new trade has just been established with the United States, and Canada is to be made the conduit, we are now to consider the imposition of a definite tax upon it, and that tax must pass tonight, because we are to have a short session, and why, when we are to consider a measure which will either benefit the vast improvements which we have contemplated, or make them hang as a mill-stone round our necks ? Why not take time to consider, and not hurry on the matter in this way ? Some are of opinion that if we admit American produce duty free, the tolls on our canals, the increase of our shipping, &c., will pay for these improvements ; others are of opinion that if we can squeeze a small portion of revenue out of foreign wheat, that we should do so ; if the latter, it should be so small as not in its operation to injure the country. How was this to be ascertained ? Not by the imposition of 3s. sterling per quarter duty ; that should be a matter of the greatest consideration. Let it be submitted to a committee of practical men ; to the farmers of Upper Canada, the millers of Upper and Lower Canada, the storekeepers of Upper Canada, and to the merchants of Montreal ; they must consider the average price of grain in the United States, what it can be conveyed for to Montreal, and what to New York, with the duties at Liverpool, and then strike the difference, and from that, decide upon the question. When that was done, then, and not till then, should we know in which direction the proposed duty would send the American trade. As to the argument of the hon. member for Oxford that the duty would fall upon the producers and not upon the consumers, he confessed it was absolutely new to him, and he was not a little startled to hear such a doctrine propounded.³⁰ The Hon. Member for Oxford (Mr. Hincks) has discovered something new in political economy, it appears, and I trust he will amend and publish a new edition of "Adam Smith," to enlighten us. He will, no doubt, receive the appointment of Lecturer on Political Economy to some of the Universities of the Province. He says the tax falls on the grower ; I deny this, and assert it falls on the consumer. I agree with the Hon. Member for Richelieu (Mr. Viger) in principle, but we always differ in the practice ; he admits the one, but denies the other.³¹ He could not for the life of him discover the politics of flour — whether it was Whig, Tory, or Radical — he did not know where these distinctions existed ; it was a mere matter of proof and calculation. Tell us what duty we can lay on without hurting our own trade, to meet the views of the mother country, and it shall be done. But he was afraid that if they proceeded as now proposed, they would only kill the goose that laid the golden eggs. He hoped that time would be given to hon. members to examine the question.³²

Mr. Merritt. — I am happy to find a warm interest manifested in this subject. That it is the most important that can be brought under consideration during the present session no person can doubt: of all others, it should be fully discussed, as I much fear from the observations of some hon. members, its object and design is but imperfectly understood. It is scarcely necessary to enter on political economy. The theory advocated by the hon. and learned member for Richelieu is undoubtedly correct; free trade is the only true principle, and well would it be for mankind if all governments would act upon that principle; but as they do not, and will not, it is idle for us to attempt it. I was not a little surprised to hear the opinions entertained by the hon. the Inspector General, and by the hon. member from the city of Montreal: they apprehend that it is not the intention of the government of the mother country, to admit wheat and flour from the western States into the ports of Great Britain through Canada, after paying the proposed duty. — As I entertain a very different opinion, it will be necessary, in order to explain the question fully, to go back and examine the changes which have taken place in the policy of the mother country; and I trust the chairman of the committee will bear with me in taking up more time on this occasion than ordinary on other subjects. Heretofore the trade of all colonies were subject to restrictions, under the erroneous impression that the subjects of the mother country were alone entitled to benefit by it. The universal discontent occasioned by an adherence to this policy in all colonies invariably led to separation so soon as they were sufficiently numerous to effect it. After the loss of the American colonies a gradual change commenced in the colonial policy of Great Britain; in 1825 the late Mr. Huskisson introduced his system of discriminating duties, under which articles grown in this country were admitted into Britain at a less rate of duty than from foreign countries, although at a higher duty than similar articles grown by our fellow-subjects in Britain; it placed us in a better situation than foreigners, but it did not fully establish the great principle for which we contend, and recognize us as subjects: it placed us in a medium between the two, and was at least one step in advance. This change was hailed by the inhabitants of Canada as a great boon and the most sanguine expectations were formed: many individuals embarked their capital, their all, under this hazardous and uncertain system. The temporary protection thus afforded by the home government was suddenly withdrawn; and wide-spread ruin is the consequence. It is notorious that neither the grower, miller, merchant or shipper has ever realized a profit out of the productions of the soil when sent to the British market; that capital invested in land will not yield an interest; and we can never hope to see the country prosper under the present system. Notwithstanding the universal dissatisfaction which prevails throughout the country, the repeated applications which have been made by addresses from the Legislature, and petitions from the agricultural population, no change had been attempted until the last session of the Imperial Parliament, when the average price at which colonial grain could be admitted was reduced from 67s. to 58s. per quarter. This alteration was also intended for our benefit, but it has in fact placed the grower in Canada in a much worse situation: owing to the distance at which he is situated from the home markets, and to the time required after the grain is harvested before it can reach the consumer, he is subjected to the highest duty named, as well as all other charges; and were the averages lowered even to 40s. It would produce the same effect. It is, however, apparent that after the Corn Bill was determined on, very great changes took place in public opinion, as well as in the cabinet. The efforts made by the British North American Committee and various individuals in London to second the efforts of the colonists, as witnessed by the memorial from Lord Mountcashel and others, afford the best evidence of the one, and the declaration of Sir Robert Peel and Lord Stanley of the other. — It is the first time that you have heard a minister declare that you should treat Canada as if she were an integral part of the kingdom. In what way, or in what manner is this great and all-important principle to be carried into effect for the mutual benefit of this great kingdom of which we are hereafter to form a part? Surely not by the views and opinions expressed by the Inspector-General, which would instead of increasing, annihilate the trifling trade we at present possess. All the grain grown in Canada does not supply the consumption of British North America. The quantity which could be exported to Britain, admitting that the entire population in all our commercial towns consumed American flour, would be trifling in the extreme. Can any person for a moment suppose that after lending us the credit of the nation for a million and a half for the express purpose of completing our great leading communications from the great western part of this continent to the ocean; after placing protecting duties on flour and wheat in their ports, to give a preference to her vessels and seamen to convey the same; and after securing by this policy a vent for her manufactures for the consumption of millions of people already inhabiting the great western country above us — that a measure would be recommended by that cabinet the effect of which would be to render these

communications useless; to lay up our ships and vessels or rather send them to seek employment in the American trade to Liverpool, and drive British manufactures from the greater part of the continent of America. The price of conveying a barrel of flour from Cleveland * (Ohio) to Liverpool, during the present fall, by way of Quebec, has been, per barrel,

By way of New York	£1 12 7
In favor of the Erie canal and N. Y.	1 8 7
When the average price of	<u>0 4 0</u>
wheat in Britain is 64s. qr.	
foreign duty is 5s. 5d. stg.	
Colonial duty, 7½d. or 8d.	0 5 4
Leaving balance in favor of Canada,	<u>0 1 4</u>
Suppose to this we add the 3s. per	
qr. now proposed, equal to per bbl.	0 2 1½
We place in favor of N. York pr. bl.	0 0 7½

Which will effectually prohibit the transit of a single barrel of flour through Canada, and will prove an effectual protection for the English grower, and remove all apprehension of successful competition, through Canada. It is also apparent that the mother country has also in view the immense trade of the western part of the United States, which will be conveyed by her ships and seamen paid with her manufactures, and will in a short time enable the province to realize a sufficient revenue from the tolls on our canals, and the revenue on articles from foreign countries, to enable us to remove all duties of articles from Britain, and establish free trade in every sense of the word between the mother country and this colony, or in the words of Sir Robert Peel, between different parts of the same kingdom. One word as to the effect on the population of Canada. — Admit that the duty so raised is for the purpose of revenue — every shilling so raised will be remitted on the articles now consumed from Britain, so that in the aggregate the burden will not be materially increased; it will transfer the duty now collected from our fellow subjects in Britain to our competitors in the neighboring States. It will also possess this double advantage — a bounty by removing the duty in England, and a protection by imposing 2s. to 3s. per barrel duty on flour for our home consumption. Every man in Canada will see the value of his productions increased, and the value of his property, the effect of which need not be again repeated. It will soon make Canada the envy and admiration of our neighbors, and infuse new life and vigor throughout the whole province, and by the effects produced prove the present policy fraught with wisdom and justice, and worthy of the enlightened statesmen who preside over the councils of the kingdom.

* Cost of the conveyance of one barrel of Flour from Cleveland, Ohio,
to Liverpool via Montreal, including all charges.

Wheat at Cleveland, 5 bushels at 80 cts.	\$4 00
Freight to St. Catharines, 8	0 40
Insurance and purchasing, 2	0 10
5 bushels to the barrel at 90 cts.	<u>\$4 50</u>
\$4 50 cost at mill.	
Freight per bbl. flour to Kingston,	0 15
do. do. to Montreal,	0 40
6 month's interest on \$5	0 15
1 pr. ct. com. at New York on dft. on London,	0 05
Cooperage to put in shipping order,	<u>0 02</u>
At Montreal,	<u>\$5 32</u> (sic)
Shipping charges at Montreal, say	0 05
Insurance to Liverpool, 4 pr ct on \$7,	0 28
Freight to Liverpool, 4s. stg.,	<u>0 88</u>
	6 53
Less 8 pr ct Exchange,	0 52
Actual cost of a barrel of flour at Liverpool,	<u>\$6 01</u>
Charges in Liverpool :	
Bond, cartage, cooperage,	3
Portage at quays ½ shed dues 2½	6
Portage, receiving & delivery dues 1,	2

Store rent 10cts, cooperage dues ½,	10½
Stamps 1, ins. against fire 1½,	2½
Int. on charges, short wt and damage,	2
Commission and Guarantee, 4 pr ct,	28
Without duty the consumer would pay	— 0 54
Against Canada route 83cts.	\$6 55
Colonial duty,	0 22
In favor of Canada route without duty,	6 77
	0 15
	\$6 92

Cost of the conveyance of one barrel of flour from Cleveland, Ohio, to Liverpool via New York, including all charges.

Wheat in Cleveland, 5 bush a((t)) 80cts,	\$4 00
Freight to Buffalo,	0 25
Insurance and purchasing,	0 10
At Buffalo,	\$4 35
Freight to New York,	0 52½
1 pr ct com. at New York.	0 05
5 months' interest,	0 12½
At New York,	\$5 15 (sic)
Shipping charges at New York,	0 05
Cooperage to put in shipping order,	0 02
Insurance to Liverpool, 1 pr ct.	0 07
Freight to Liverpool, 1s 3d stg.	0 28
	5 57
Less 7 per ct Exchange,	0 39
Actual cost of a barrel of flour at Liverpool,	5 18
Sundry charges after reaching port,	0 54
Brings the article to consumer without duty,	5 72
Duty on foreign flour at this moment, averages being	per quarter 5s 5d
	1 20
	\$6 92

In favor of N.Y. route 83cts per bbl without duty. Against it, including duty, 22 cts bbl.³³

Mr. Simpson thought the interests of Lower Canada should not be lost sight of, and he thought every Lower Canadian Member would oppose the measure, as injurious to the interests of his constituents.³⁴

Mr. Parke spoke in favor : he conceived that if an impost were levied upon foreign wheat, the impetus which would thus be given to our own agriculture would more than repay the loss of the foreign carrying trade.³⁵

Mr. Boulton remarked, that this subject demanded the greatest consideration, it being the most important one brought before the House this Session ; but with the clamour and noise there was in this house, it was utterly impossible to think over and analyse a document such as the despatch now put into their hands, and on which this Resolution was founded.³⁶ He considered that it did not only affect the farmers but all the country, and especially merchants, shipowners, forwarders. The farmer was unable without their assistance to bring his produce to market.³⁷ The capital of the farmer must be collected in their hands. They cannot send their little stock of produce to the English market : it must be done through the agency of merchants. We must not, therefore, run upon Charybdis, in avoiding Scylla : in protecting the farmer, we must not injure the merchant.³⁸ He thought the British Government had the Welland Canal in view when the loan to this country was proposed. The export trade of the country was of great value, and care ought to be taken that the merchant should not be injured in attempting to enrich the farmer.³⁹ The Hon. Member for Lincoln (Mr. Merritt) has calculated and studied the question, and there is no one to whom I would more willingly cede my opinion. I will vote for any duty of this nature, if it will not injure our trade with the United States.⁴⁰ If it were stopped, the Welland Canal would be useless. He thought that the farmer did not reflect upon the duties in great (sic) Britain, or on the general character of the trade of the country, when raising his crops ; his object was to

raise as much as much (sic) as he could by his exertions and his industry. He thought the only question was, would this duty be to such an amount as to exclude American produce? If not, he would vote for the measure. If we lay a duty on, that checks the trade and diverts it into new channels, it would not be so easily brought back again; and he cautioned the members of the treasury benches against imposing such a duty. His intention when he rose was to move that the committee rise, report progress, and ask leave to sit again to-morrow, for it was a most important question and ought not to be hastily decided, and that the despatch ought to be closely studied so as to arrive at a correct idea of its meaning. He would suggest that this should not become a law until the home government allow Canadian produce to pass duty free.⁴¹

Mr. Williams had read the despatch with delight. It was evidently intended to confer a boon upon this country, and would do so if carried out. Some hon. members endeavored to mystify the subject. There is a duty upon American wheat passing into England now, and the ministers of the home government say, we have collected this duty for our purposes, we now allow you to do it for colonial purposes. The hon. member concluded by hoping that the hon. representatives of Agricultural districts would not allow this glorious opportunity to pass without taking advantage of it.⁴²

Mr. Boswell remembered that the first argument used by the opposition last session was that it would not affect prices in Canada at all. Now it is admitted on all sides that the duty if imposed would raise the price to the consumer in Lower Canada; if this be so, then the farmers in Upper Canada would be the gainers. The hon. member for Niagara would vote for the motion if he were certain that the contemplated duty would not injure or destroy the American trade. He did not imagine that this despatch was written for the purpose of delusion, and that if the British people are willing to take American produce free of duty, when ground in Canadian mills, it was tantamount to taking the wheat itself. He felt how much the agricultural interest was involved in the present question, and was prepared to vote for putting a duty on American produce coming into the country, whether England put on a duty or not.⁴³

Capt. Steele was favorable to the proposition of putting a duty on foreign wheat, and when the question of the amount came before them, he would be prepared to give his opinion. He thought that the interests of at least 7-8ths of the people were now in the protection of the house, and that they ought not to be sacrificed to any other interests. He would not impose a high duty, but a small duty was required to put the corn grower in the back settlements upon equal terms with the American corn grower; and in supporting the resolution he hoped he would not be injuring the interests of any class.⁴⁴

Mr. Roblin, after some observations which we could not distinguish, hoped to see Eastern Canada, as well as Western, agricultural. It has been so, and although the crops recently have been injured by the flies, it may not again occur for a long time. He thought that since the government had the power of co-operating with the home government in regulating the duties in question, that they ought gladly to avail themselves of the opportunity. The people in both provinces desired that something should be done as soon as possible, and now was the time for doing it. It was wrong to say that the farmers did not think of these things in raising their crops. Many of them were reading, intelligent men, and well capable of forming an opinion upon such subjects; and it would not satisfy them to know that the government had the power of settling the question, but did not regard their views.⁴⁵

Mr. Harrison explained the reason of this measure being pressed forward whilst other important measures were postponed. This was a measure which involved relations with the Home Government, and it was indispensable to settle it as soon as possible, for delay might be dangerous; and the others could lie over without any danger until the Legislature would again meet, which would be sometime during the winter.⁴⁶

Mr. Jones thought it was a party question, and would oppose protecting one class of agriculturists at the expense of another; for the interests of both ought to be consulted.⁴⁷ He contended that the argument advanced relative to the protection which the cost of transport affords to the Canadian Farmer, was unsound, as the Americans at Oswego, Rochester, &c. have equal if not better facilities.⁴⁸ He would propose that the necessity of imposing duties on other productions of the United States, be also taken into consideration. No one portion should be protected at the expense of the other. The mechanics of this Province are protected; the carrying-trade is protected; the merchant also is protected; the first by duties on American manufactures; the latter classes, it is well known and evident that their avocations cannot be interfered with by foreigners. Not so with the agriculturists: he is exposed to all the conse-

quences of a fluctuation of the American market. I will not give my support to this measure, unless this is done. Were we, the Lower Canadian Members, to vote for this measure, our constituents will accuse us of leaving their interests to the care of the Providence.⁴⁹

Mr. Neilson thought that the revenue of the country should not come out of the poorer classes, by imposing a tax on their necessary articles of food. He did not agree with the hon. Member, who called this measure a boon to the country: it was no advantage to us, and certainly none to those who have to pay it.⁵⁰

Mr. Viger made some remarks, which, from his manner of speaking, and the occasional lowness of his voice, it was impossible to report.⁵¹

Mr. Hincks made some observations in reply, and said if he understood the gentleman right he objected upon the ground that he conceived the measure was brought forward to advance the interests of Western to the exclusion of Eastern Canada. It was once in contemplation to postpone the measure, but in deference to the wishes of many it had been brought forward, and the hon. Member for Kingston had assigned a good reason for it. — Among the arguments advanced against it only two were of any weight. The first is, that it would destroy or injure the carrying trade. Now the duty at present in England is 5s. per quarter, and we propose to reduce it to 3, so that if our views are carried out this trade cannot be effected. The second is, that it will raise the price in Lower Canada. Certainly it will advance the price of wheat, but the question is one of free trade, and every purpose may be effected by taking off the duty in England. If any gentleman think the duty should be put on wheat in England let him say so, and then he will be consistent. He thought the hon. member from Richelieu misunderstood him — one great object certainly was to raise the price of wheat, but not by placing a protecting duty upon it so much as by taking off the duty in England. The hon. member for Huron (Dr. Dunlop) supposed the tax would fall upon the consumer, but if so, it would be the English consumer. The material effect, however, will be to enhance the value to the grower. The hon. member who stated that the measure allowed duties exacted in the Mother Country and applied to their purposes, to be collected here for Colonial purposes, had put the subject in a right point of view. If the flour manufactured in Canadian Mills is allowed to go in as Canadian flour, it could not hurt the trade — which is a rapidly increasing one, and he hoped would continue to be so.⁵²

Mr. DeWitt then moved that the Chairman of the Committee leave the Chair, report progress, and ask leave to sit again.⁵³

(54)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Leslie reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again tomorrow.

The order of the day for the House in Committee, on the Bill to extend the time allowed by the Ordinance therein mentioned for the registration of certain charges or incumbrances of Real Estate, being read.

The House accordingly resolved itself into the said Committee.

Mr. Dunlop took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Dunlop reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, on Thursday next.

The order of the day for the House in Committee, to consider the propriety of repealing certain Ordinances of the Governor and Special Council of the late Province of Lower Canada, relative to the administration of Justice, being read.

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the Chair of the Committee;

Registration,
Real Estate.

Ordinances,
Administration
of Justice.

Mr. Harrison brought forward the Resolution, without remarks.⁵⁴

Mr. Black asked reasons for the change proposed : he thought there was no necessity for repealing them. There might be some defects in the Acts ; but, for his part, he saw in them a perfect system. By these Ordinances, justice was brought home to the doors of the people, obviating the necessity for their travelling to a great distance from their homes. As a member of this House, he should have felt better satisfied, had the government given them a better system, on repealing this one. They should not be left without some provision.⁵⁵

Mr. Moffatt concurred with the last Hon. Member in relation to a better system. It would be more satisfactory if they had proposed a new system to remedy and amend the defects : but they have the majority, and we must only console ourselves with the reflection, that "every dog has his day."⁵⁶

(54)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had come to a Resolution ; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient that the Ordinance 3 & 4 Vic. cap. 45, and the Ordinance 4 Vic. cap. 19, relative to the establishment of a system of Judicature in *Lower Canada*; and the Ordinance 4 Vic. cap. 15, for regulating the Office of Sheriff, and the exercise of the Judicial powers vested in that Officer, by the two first mentioned Ordinances (none of which Ordinances have yet been brought into force) be repealed, with so much of the Act of the last Session of the Provincial Parliament, as empowers the Governor of this Province to bring the said Ordinances into force.

Ordered — That the Honourable Mr. *Harrison* have leave to bring in a Bill to repeal certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relative to the administration of Justice.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Rural Police.

The order of the day for the House in Committee, to consider the expediency of repealing certain Ordinances relating to the establishment of a system of Rural Police, in *Canada East*, being read.

The House accordingly resolved itself into the said Committee.

Mr. Parent took the chair of the Committee ;

The Rural Police was almost unanimously characterised as useless and unnecessary.⁵⁷

(54)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Parent reported that the Committee had come to a Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient that the Ordinance 2 Vic. cap. 55, the Ordinance 3 & 4 Vic. cap. 17, and the Ordinance 3 & 4 Vic. cap. 47, passed by the Governor and Special Council of the late Province of *Lower Canada*, and providing for the establishment and maintenance of a Police force in other parts of *Lower Canada*, than the cities of *Quebec* and *Montreal*, be repealed from and after the first day of January 1843.

Ordered — That the Honourable Mr. *Harrison* have leave to bring in a Bill to repeal certain Ordinances therein mentioned, relative to the establishment of a system of Police in *Canada East*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, to-morrow.

Registry Office,
Middlesex.

The order of the day for the House in Committee, to consider the expediency of amending the Act of the Legislature of *Upper Canada*, 35 Geo. 3, chap. 5, in so far as relates to the place of holding the Registry Office for the County of *Middlesex*, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Delisle* took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Delisle* reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved — That it is expedient to amend the Act now under consideration, so that the Registry Office of and for the County of *Middlesex* may hereafter be kept at the town of *London*, in the said County, and not at the township of *Dunwich*, as appointed by the Lieutenant Governor of the late Province of *Upper Canada*, under the provisions of the said Act.

Ordered — That Mr. *Parke* have leave to bring in a Bill to change the place of the Registry Office for the County of *Middlesex*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, to-morrow.

Criminal Laws
of Canada, by
Cremazie.

The order of the day for the House in Committee, to consider whether it is expedient for this House to subscribe for a certain number of copies of a work now in course of publication on the Criminal Laws of *Canada*, by Mr. *Jacques Cremazie*, for the use of the Members of this House, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Boutillier* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Boutillier* reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever the House shall be pleased to receive the same.

Ordered — That the report be received to-morrow.

Pot and Pearl
Ashes inspection
Bill.

The order of the day for the House in Committee, on the Bill to regulate the Inspection of Pot and Pearl Ashes, being read.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. *Viger* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

(55)

And the Honourable Mr. *Viger* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the said report be received to-morrow.

Contingent
accounts.

The order of the day for the House in Committee, on the First Report of the Special Committee on the Contingent Accounts and Expenses of this House, during the present Session, being read.

Ordered — That the said order of the day be postponed, until to-morrow.

Winter Roads.

The order of the day for the House in Committee, on the Bill to amend and repeal, in part, two certain Ordinances therein mentioned

relative to Winter Roads, in that part of the Province formerly called *Lower Canada*, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Quesnel* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Quesnel* reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Then on motion of Mr. *Delisle*, seconded by Mr. *Taschereau*,⁵⁸ The House adjourned.⁵⁹

Appendix, 27 September 1842.

((Withdrawn Motion Re : Distribution of Revised Statutes.))⁶⁰

Mr. *Hopkins* moved for information as to the time when the revised Statutes would be ready for distribution.⁶⁰

Mr. *Harrison* said that Public Acts had been printed up to 1840, and the whole would be ready as soon as possible.⁶¹

The motion was withdrawn ((by Mr. *Hopkins*)).⁶²

Footnotes — 27 September 1842.

1. This was reported in identical accounts by KINGSTON CHRONICLE, 1 October 1842, and EXAMINER, 5 October 1842.

2. KINGSTON CHRONICLE, 1 October 1842.

3. IBID.

4. This motion was reported by : BRITISH COLONIST, 5 October 1842 ; and in identical accounts in KINGSTON CHRONICLE, 1 October 1842, and EXAMINER, 5 October 1842.

5. KINGSTON CHRONICLE, 1 October 1842.

6. IBID.

7. BRITISH COLONIST, 5 October 1842.

8. IBID.

9. This motion was reported in identical accounts in MONTREAL TRANSCRIPT, 1 October 1842, and MONTREAL GAZETTE, 30 September 1842 ; and in identical accounts in KINGSTON CHRONICLE, 1 October 1842, and EXAMINER, 5 October 1842.

10. MONTREAL TRANSCRIPT, 1 October 1842.

11. This motion was reported in : BRITISH COLONIST, 5 October 1842 ; MONTREAL TRANSCRIPT, 1 October 1842 ; in identical accounts in KINGSTON CHRONICLE, 1 October 1842, and EXAMINER, 5 October 1842 ; and in MONTREAL GAZETTE, 30 September, 1 October 1842.

12. MONTREAL GAZETTE, 30 September 1842.

13. BRITISH COLONIST, 5 October 1842.

14. KINGSTON CHRONICLE, 1 October 1842.

15. However, the KINGSTON CHRONICLE, 1 October 1842, says : "Or nearly 6d cy. per bushel."

16. BRITISH COLONIST, 5 October 1842.

17. KINGSTON CHRONICLE, 1 October 1842.

18. BRITISH COLONIST, 5 October 1842.

19. KINGSTON CHRONICLE, 1 October 1842.

20. MONTREAL GAZETTE, 30 September 1842.

21. IBID.

22. KINGSTON CHRONICLE, 1 October 1842.

23. BRITISH COLONIST, 5 October 1842.

24. IBID.

25. MONTREAL GAZETTE, 30 September 1842.

26. KINGSTON CHRONICLE, 1 October 1842.

27. MONTREAL GAZETTE, 30 September 1842.

28. KINGSTON CHRONICLE, 1 October 1842.

29. MONTREAL GAZETTE, 1 October 1842, which added : "From the noise in the House, which has not been so continued any day this session, none of the reporters were able to take a note of it ; in fact the House was more like a bear garden than an assemblage of cool and deliberate legislators."

30. KINGSTON CHRONICLE, 1 October 1842.

31. MONTREAL GAZETTE, 1 October 1842.

32. KINGSTON CHRONICLE, 1 October 1842.

33. IBID.

34. MONTREAL GAZETTE, 1 October 1842.

35. KINGSTON CHRONICLE, 1 October 1842.

36. MONTREAL GAZETTE, 1 October 1842.

37. KINGSTON CHRONICLE, 1 October 1842.
38. MONTREAL GAZETTE, 1 October 1842.
39. KINGSTON CHRONICLE, 1 October 1842.
40. MONTREAL GAZETTE, 1 October 1842.
41. KINGSTON CHRONICLE, 1 October 1842.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. MONTREAL GAZETTE, 1 October 1842.
50. IBID.
51. KINGSTON CHRONICLE, 1 October 1842.
52. IBID.
53. MONTREAL GAZETTE, 1 October 1842.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. "At half-past eleven...." MONTREAL GAZETTE, 1 October 1842.
59. This debate was reported in LA MINERVE, 30 September 1842; and in identical accounts in MONTREAL TRANSCRIPT, 1 October 1842, and MONTREAL GAZETTE, 30 September 1842; and in identical accounts in LE CANADIEN, 1 October 1842, and EXAMINER, 5 October 1842.
60. EXAMINER, 5 October 1842.
61. IBID.
62. IBID.

Wednesday, 28 September 1842.¹

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Montreal City
Bank.

Mr. Speaker laid before the House a general statement of the affairs of the "City Bank" at *Montreal*, received in conformity to an order of the House of the seventeenth instant.

[For the said Statement, see Appendix (R.) at the end of this Volume.]

12 Petitions
bro't up.

The following Petitions were severally brought up, and laid on the table :

By Mr. *Harmannus Smith*, the Petition of *Adam Thompson*, and others, of *West Flamborough* and other places.

By Mr. *Moore*, the Petition of *William Morris*, and others, of the Eastern townships ; and the Petition of *John Rankin*, and others, Inhabitants of the townships of *Ascot, Brompton*, and other places.

By Mr. *Hopkins*, the Petition of the Warden and Municipal Council of the *Gore District*, relating to the Common School Act ; and the Petition of the Warden and Municipal Council of the *Gore District*, relating to a Petition for the dismemberment of the District.

By Mr. *Christie*, the Petition of *William Adams*, and others, Inhabitants of *Ristigouche*.

By the Honourable Mr. *Harrison*, the Petition of the Board of Trade of the town of *Kingston*.

By Sir *Allan N. MacNab*, the Petition of Major *John Richardson*.

By Mr. *Burnet*, the Petition of the Right Reverend the Lord Bishop of *Montreal*, and others, Inhabitants of *Quebec*.

By the Honourable Mr. *Jones*, the Petition of *A. C. Chapman*, and others, Inhabitants of the County of *Rouville*.

By the Honourable Mr. *Moffatt*, the Petition of the Mayor, Alderman, and Citizens of *Montreal*.

By Mr. *Simpson*, the Petition of the Reverend *John Leeds*, and others, members of the Church of *England*, at *Coteau du Lac*.

The Honourable *S. B. Harrison* laid before the House, by command of His Excellency, the Governor-General : —

Return to an Address of the House of Assembly of the 27th September 1842, praying the Governor-General to cause to be laid before them the correspondence relative to the surrender of *Nelson Hacket*, to the authorities of *Arkansas*.

[For the said Return, see Appendix (S.) at the end of this volume.]

And also,

A Return to an Address of the Legislative Assembly to His Excellency, the Governor-General, dated 27th September 1842, calling for a detailed statement of the duty on Timber ; the names of the parties that have paid such duties, and the number of pieces or logs for which such duties were paid, at the Office of the Commissioner of Crown Lands in *Bytown*, with a Statement, in detail, of the disbursements for the said Office in 1841.

[For the said Return, see Appendix (T.) at the end of this Volume.]

Nelson Hacket.

Timber duty.

Winter Roads.

An engrossed Bill to amend and repeal, in part, two certain Ordinances therein mentioned relative to Winter Roads, in that part of the Province, formerly called *Lower Canada*, was read for the third time.

DEBATES OF LEGISLATIVE ASSEMBLY

Resolved — That the Bill do pass, and that the title be “An Act to amend two certain Ordinances therein mentioned relative to ‘Winter Roads, in that part of the Province, formerly called Lower Canada.’”

Ordered — That Mr. Armstrong do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read :

John Le Bouillier.

R. McKenzie,
and others.

E. H. Enright,
and others.

Ed. Man, and
others.

M. Murray, and
others.

Thos. Busteed
and others.

Daniel Lavra,
and others.

E. H. Enright,
and others.

Richard Drury,
and others.

Ed. Ryall, and
others.

R. Robinson,
and others.

T. J. Taschereau.

John P. Bower,
and others.

John Voller.

Of *John Le Bouillier*, and others, of *Gaspé*, representing the heavy duty on Salt and Fishing Tackle ; the bad state of their roads, and the imperfect manner in which Justice is administered, and praying relief.

Of *Robert McKenzie*, and others, of *Gaspé*, praying the repeal of the Municipal Law as regards the said District ; also an amendment to the Laws for the administration of Justice ; and the appointment of Inspectors of weights and measures for the said District.

Of *E. H. Enright*, and others, of the County of *Bonaventure*, District of *Gaspé*, praying for the establishment of certain Judicial Courts in the said District.

Of *Edward Man*, and others, of the District of *Gaspé*, praying for the establishment of certain Judicial Courts in the said District.²

Of *M. Murray*, and others, of the County of *Bonaventure*, and the District of *Gaspé*, praying for the establishment of certain Judicial Courts in the said District.

Of *Thomas Busteed*, and others, of the county of *Bonaventure*, District of *Gaspé*, praying for the establishment of certain Judicial Courts in the said District.

Of *Daniel Lavra*, and others, of *Percé*, District of *Gaspé*, praying for a repeal of the Municipal Law, as far as it regards the said District.

Of *E. H. Enright*, and others, of the county of *Bonaventure*, praying for the repeal of the Municipal Law, and of every Ordinance of the

(56)

Governor and Special Council of *Lower Canada*, which imposes pecuniary burthens on the people.

Of *Richard Drury*, and others, of the township of *Oro*, praying that the Militia Law of *Canada West* be replaced or amended.³

Of *Edward Ryall*, and others, of the township of *Oro*, praying that the township of *Gwillimburg West* may not be divided.

Of *Richard Robinson*, and others, of the township of *Gwillimburg West*, praying that a protecting duty may be imposed on American produce introduced into this Province.⁴

Of *T. J. Taschereau*, Collector of Customs at the inland Port of *LaBeauce*, praying for an increase of salary ; and also, for the removal of the Custom House of the said Port to the parish of *Ste. Marie de la Nouvelle Beauce*.

Of *John P. Bower*, and others, of *Montreal* and *Kingston*, Leather manufacturers, praying that a duty be levied on leather introduced into this Province from the *United States*.

Of *John Voller*, Messenger of the Legislative Assembly, praying for the grant of a sum equal to that allowed to the other Messengers of the Assembly, during the last Session.

A. Kilborn, and others.

Of *Alexander Kilborn*, and others, Trustees of the *Stanstead Academy*, praying for an aid.

C. Wheeler, and others.

Of *Charles Wheeler*, and others, Inhabitants of *Barnston* and *Barford*, praying for the renewal of the "Small Causes" or "Commissioners' Court Act," or the passing of any other measure to afford similar relief.

E. S. White, and others.

Of *E. S. White*, and others, Inhabitants of *Barnston*, *Barford*, and vicinity, praying an aid for a road.

W. Ritchie.

Of *William Ritchie*, of *Sherbrooke*, Registrar, praying for a sum to compensate him for compiling a proposed new Index to the Registry Books of the District of *Sherbrooke*.

Petitions referred ;
Thos. Ferguson.

Resolved — That the Petition of *Thomas Ferguson*, of the township of *Oro*, presented to the House on the twenty-second instant, be referred to a Select Committee, composed of *Messieurs Steele, Williams, Dunlop, Roblin* and *Morris*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Report on Pet. of
Widow Bouchette.

Mr. *Burnet*, from the Special Committee to which was referred the Petition of Mrs. *Adélaïde Bouchette*, of *Quebec*, widow of the late *Joseph Bouchette*, Surveyor General, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

"That in consequence of the services of Mr. *Bouchette*, and the circumstances of his widow, she has a just claim to an annuity for her subsistence, during the remainder of her life."

Ordered — That the said Report be referred to a Committee of the whole House, to-morrow.

Report on Pet.
of Rev. C. P.
Reid, and others.

Mr. *Hale*, from the Special Committee to which was referred the Petition of the Reverend *C. P. Reid*, and others, members of the Church of *England*, in the township of *Compton*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth : —

"That having examined the said Petition, they recommend to your Honourable House, that the prayer therein contained be granted."

Resolved — That this House doth concur with the Special Committee, in the said Report.

Ordered — That Mr. *Hale* have leave to bring in a Bill to make provision for the management of the Temporalities of the United Church of *England* and *Ireland*, in the Diocese of *Quebec*, in this Province, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, to-morrow.

Timber duty.

Ordered — That two hundred and fifty copies of the Return of the duty levied on Timber cut on Crown and Clergy Lands, laid before the House this day, be printed in each of the English and French languages, for the use of the Members of this House.

On motion of Mr. *Thompson*, seconded by Mr. *Powell*,

Ordered — That the order of the day for the House in Committee, on the Bill to provide for the detention and conveyance to Gaol of Debtors, in certain cases, within *Canada West*, lost by the adjournment of the House of yesterday, be revived, and that this House do resolve itself into the said Committee, to-morrow.

On motion of Mr. *Christie*, seconded by Mr. *Kimber*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to

Debtors convey-
ance to Gaol.
Gaspé Municipal
Districts.

cause to be laid before this House, copies of such correspondence as may have taken place since the first of June, 1841, relative to the erection of the Counties of *Bonaventure* and *Gaspé* into Municipal Districts, and of all communications and papers of a public nature, since the same period, addressed on that subject to the Executive, from either of the Municipal Districts.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Contingent accounts.

On motion of Mr. *Morris*, seconded by Mr. *DeWitt*,

Ordered — That the item on the order of the day book, relating to the First Report of the Special Committee, on the Contingent Accounts and Expenses of this House during the present Session be now read.

The order of the day for the House in Committee, on the First Report of the Special Committee on the Contingent Accounts and Expenses of this House during the present Session, being read.

The House accordingly resolved itself into the said Committee.

Mr. *Hamilton* took the chair of the Committee;

A sum of £11,063 13s. 3d. was voted to be paid for the contingencies of last session, and a sum of £6,000 towards the present.⁵

(56)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Hamilton* reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

Criminal Laws
of Canada.

Mr. *Boutillier*, from the Committee of the whole House, to consider whether it is expedient for this House to subscribe for a certain number of copies of a work now in course of publication, on the Criminal Laws of Canada, by Mr. *Jacques Crémazie*, for the use of the Members of this House, reported, according to order, the Resolution of the said

(57)

Committee, which Resolution was again read at the Clerk's table, and is as followeth :

Resolved — As the opinion of this Committee, that it is expedient to encourage the publication of a work now in course of publication, intituled, "Les Lois criminelles Anglaises traduites et compilées de Blackstone, Chitty, Russell, et autres criminalistes Anglais et telles que suivies en Canada," by *Jacques Crémazie*, Advocate, of Quebec.

Mr. *Parent* moved, seconded by Mr. *Black*, That this House doth concur with the Committee in the said Resolution.

Sir Allan MacNab opposed the motion⁶.

(57)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Armstrong, Berthelot, Boswell, Boutillier, Child, Christie, Delisle, Derbyshire, DeWitt, Draper, Dunn, Foster, Gilchrist, Hamilton, Hincks, Hopkins, Jones, Kimber, Leslie, D. McDonald, J. S. Macdonald, Neilson, Ogden, Papineau, Parent, Parke, Quesnel, Simpson, Harmannus Smith, Steele, Taché, Turcotte, Turgeon, D. B. Viger, L. M. Viger, and Woods. (36.)

NAYS.

Cook, Durand, Hale, Sir Allan N. MacNab, McLean, Moffatt, Morris, Powell, Roblin, Sherwood, Thompson, and Williams. (12.)
So it was carried in the affirmative; and,
Resolved — accordingly.

Pot and Pearl
Ash Bill.

The Honourable Mr. *Viger*, from the Committee of the whole House, on the Bill to regulate the Inspection of Pot and Pearl Ashes, reported, accordingly to order, the amendments made by the Committee to the said Bill; which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

The bill to extend by charter the Capital Stock of the Commercial Bank of the Midland District was about being brought in when the Speaker ((Mr. *Cuvillier*)) objected on account of the £20 not being paid, according to the rule of the house.⁷

Mr. Morris immediately paid the money⁸.

(57)

Commercial
Bank (M. D.)

A Bill to extend the Charter of the Commercial Bank of the Midland District, and to increase its Capital Stock, was, according to order, read a second time.⁹

Ordered — That the said Bill be referred to a Committee of the whole House, on Friday next.

A message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Usury Laws," to which they desire the concurrence of the Assembly.

And then he withdrew.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend the Usury Laws," was read for the first time.

Usury Laws.

U. C. Bank stock.

A Bill to extend the Charter of the Bank of *Upper Canada*, and to increase the Capital Stock thereof, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, on Friday next.

Montreal Fire
Assurance Com-
pany Bill.

A Bill to grant further powers to the *Montreal Fire Assurance Company*, and to change the name of the said Corporation, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Mr. Boulton¹⁰ complained of the want of sessional papers, which were ordered to be printed. He was at a considerable loss on some important subjects in consequence.¹¹

Mr. Morris, as chairman of the Printing committee, said that there were four tenders received for the printing of those papers; that of Dr. Barker was the lowest, and the necessary security having been supplied, the contract of course was given to him. Dr. Barker he said had gone to Rochester to get some type, and the committee had been satisfied to wait till then.¹² He (Mr. Morris) would wait until to-morrow, but from what he had seen he believed that Mr. Barker was unable to do the work.¹³

Mr. Harrison condemned the system of committees; it was always better done when only one person held the responsibility. He would be obliged to defer the discussion of the foreign duty on wheat, and other bills, till to-morrow.¹⁴

(57)

Registry Office,
County Middle-
sex.

A Bill to change the place of the Registry Office for the County of *Middlesex*, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Justices' Qualification Bill.

The order of the day, for the House in Committee, on the Bill to revive a certain Act of the Legislature of *Lower Canada*, for the qualification of Justices of the Peace, being read,

The House, accordingly, resolved into the said Committee.

Mr. DeWitt took the Chair of the Committee; and after some time spent therein,¹⁶

The qualification proposed was the possession of landed property to the value of £300.¹⁸

This was objected to as being too high, and tending to disqualify many who were the best fitted for the magistracy.¹⁷

Mr. Boulton ... knew of men holding commissions who could not purchase a decent pair of shoes to walk into the Quarter Sessions!¹⁸

Dr. Dunlop ... ((said)) that shortly after he came to the country he was informed in conversation with the then Attorney General on the subject, that the ability to read and write was not an indispensable qualification for a magistrate!¹⁹

The £300 clause was adopted.²⁰

(57)

Mr. Speaker resumed the Chair,

And Mr. DeWitt reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

Bill to prevent obstruction of rivers.

The order of the day, for the House in Committee, on the Bill for better preventing the obstruction of Rivers and Rivulets, in *Canada East*, being read,

The House, accordingly, resolved into the said Committee.

Mr. Taschereau took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Taschereau reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

Ordinances respecting bankrupts (L. C.)

On motion of the Honourable Mr. Draper, seconded by Mr. Black,

Resolved — That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of repealing an Ordinance of *Lower Canada*, intituled "An Ordinance concerning 'Bankrupts and the administration of their effects,'" and to make provision for the same object throughout the Province of *Canada*.

The House, accordingly, resolved into the said Committee.

Mr. Morris took the chair of the Committee;²¹

Mr. Black was happy to see such a measure about being brought forward; it was one of immense difficulty at present, and in the hands of Mr. Draper he was sure the bill would be such a one as the country required.²²

(57)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Morris reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

Resolved — That it is desirable to repeal a certain Ordinance of *Lower Canada*, intituled, "An Ordinance concerning Bankrupts, and

Bill to repeal
Bankrupt Ordinances.

"the administration of their effects," and to make provision for that object by a general enactment applicable to the Province of *Canada*.

Ordered — That the Honourable Mr. *Draper* have leave to bring in a Bill to repeal an Ordinance of *Lower Canada*, intituled : "An Ordinance concerning Bankrupts and the administration of their effects," and to make provision for the same object throughout the Province of *Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

District Court
Acts.

On motion of the Honourable Mr. *Draper*, seconded by Mr. *Boulton*,

Resolved — That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of amending, consolidating, and reducing into one Act, the several laws now in force, establishing or regulating the practice of the District Courts in the several Districts of that part of this Province formerly *Upper Canada*.

The House accordingly resolved itself into the said Committee.

Mr. *Powell* took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

(58)

And Mr. *Powell* reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is desirable to amend, consolidate, and reduce into one Act, the several laws now in force establishing or regulating the practice of the District Courts, in the several Districts of that part of the Province formerly *Upper Canada*.

District Court
Amendment Bill.

Resolved — That the Honourable Mr. *Draper* have leave to bring in a Bill to amend, consolidate, and reduce into one Act, the several laws now in force establishing or regulating the practice of the District Courts, in the several Districts of that part of this Province formerly *Upper Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Canada East
Police Bill.

The order of the day for the second reading of the Bill to repeal certain Ordinances therein mentioned, relative to the establishment of a system of Police in *Canada East*, being read.

Resolved — That the said order of the day be postponed, until to-morrow, and that it be then the first order of the day.

Freedom of
Elections Bill.

The order of the day, for the House in Committee, on the Bill to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned, being read.

Ordered — That the said order of the day be postponed, until to-morrow, and that it be then the second order of the day.

Duty on Imports.

The order of the day, for the House in Committee, of Ways and Means, to consider the propriety of laying a duty upon imports of Foreign Wheat into the Province, being read.

Ordered — That the said order of the day be postponed, until to-morrow, and that it be then the third order of the day.

Then on motion of Mr. *Black*, seconded by Mr. *Delisle*,
The House adjourned.²³

Appendix, 28 September 1842.**((Remark Made Re : Prorogation.))**

In the course of the discussion, **Sir Allan MacNab** alluded to a prorogation in the course of next week.²⁴

Footnotes — 28 September 1842.

1. "House opened at three o'clock." MONTREAL GAZETTE, 1 October 1842.
2. Presented by Mr. Christie, according to MONTREAL GAZETTE, 1 October 1842.
3. Presented by Capt. Steele, according to MONTREAL GAZETTE, 1 October 1842.
4. Presented by Capt. Steele, according to MONTREAL GAZETTE, 1 October 1842.
5. BRITISH COLONIST, 5 October 1842.
6. IBID.
7. IBID.
8. IBID.
9. The BRITISH COLONIST erroneously reported this as the bill's first instead of second reading.
10. The following exchange was reported by: KINGSTON CHRONICLE, 1 October 1842; and BRITISH COLONIST, 5 October 1842. Both sources agree that the exchange took place in this context, and so it has been inserted here rather than in the appendix.
11. BRITISH COLONIST, 5 October 1842.
12. IBID.
13. KINGSTON CHRONICLE, 1 October 1842.
14. BRITISH COLONIST, 5 October 1842.
15. The debate on this bill was reported by: KINGSTON CHRONICLE, 1 October 1842; MONTREAL GAZETTE, 1 October 1842; and BRITISH COLONIST, 5 October 1842.
16. KINGSTON CHRONICLE, 1 October 1842.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. The remarks made on this Resolution were reported by: BRITISH COLONIST, 5 October 1842; and MONTREAL GAZETTE, 1 October 1842.
22. BRITISH COLONIST, 5 October 1842.
23. "Shortly after seven o'clock." KINGSTON CHRONICLE, 1 October 1842.
24. MONTREAL GAZETTE, 1 October 1842.

Thursday, 29 September 1842.

(58)

4 Petitions
bro't up.

The following Petitions were severally brought up, and laid on the table : —

By Mr. Roblin, the Petition of *Owen McMahon*, and others, of the town of *Picton*.

By the Honourable Mr. *Jones*, the Petition of *R. Jones*, and others, of the County of *Missisoquois*.

By Mr. *Morris*, the Petition of *William Dixon*, and others, Messengers of the Legislative Assembly.

By Mr. *Hopkins*, the Petition of the Municipal Council of the *Gore* District, relating to macadamized roads.

Registry Office,
Middlesex.

An engrossed Bill to change the place of the Registry Office for the County of *Middlesex*, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. *Parke* do carry the said Bill to the Legislative Council, and desire their concurrence.

Montreal Fire
Assurance.

An engrossed Bill to grant further powers to the *Montreal Fire Assurance Company*, and to change the name of the said Corporation, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Moffatt* do carry the said Bill to the Legislative Council, and desire their concurrence.

Pot and Pearl
Ashes.

An engrossed Bill, to regulate the Inspection of Pot and Pearl Ashes, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Moffatt* do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.
J. B. Baby,
and others.

Pursuant to the order of the day, the following Petitions were read : Of *J. B. Baby*, and others, Freeholders and Inhabitants of the *Western* District, praying that the Public Offices and the County Town of the said District, may not be removed from the town of *Sandwich*.

Of the Municipal Council of the *Eastern* District, praying that all applications for the dismemberment of the said District, be rejected.¹

Of *William Taylor*, and others, directing officers of the *Shefford Academy*, praying for an aid.

Of *Washington Frost*, and others, Inhabitants of *Granby*, in the Municipal District of *Missisquoi*, praying for amendments to the Registry Act, and the re-establishment of Commissioners' Courts.²

Of the Honourable *William Walker*, and others, of *Quebec*, praying for the erection of a new Custom House in the Lower Town of *Quebec*, and that the present building be used as a Marine Hospital.³

Of *Joseph Plante*, and others, Pilots for and below the Harbour of *Quebec*, praying for some alterations in the law regulating the duties of Pilots.⁴

Of the Trustees of the *Quebec Turnpike Roads*, praying to be authorised to raise, by way of loan, a sum sufficient to complete the said

Hon. W. Walker,
and others.Joseph Plante,
and others.Trustees Quebec
Turnpike.

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Roads; and also, for certain alterations in the Ordinance constituting the said Trust.⁵

W. Bell, and others.

Of *William Bell*, and others, land owners on the River *Tay*, praying for certain amendments to the *Tay Navigation Act*.⁶

John Pattie, and others.

Of *John Pattie*, and others, Members of the *Ottawa Total Abstinence Society*, praying that an investigation may be made into the causes of intemperance, and that such measures be taken as shall secure its suppression.⁷

H. Mulholland, and others.

Of *Henry Mulholland*, and others, of *Montreal*, praying that an enquiry be instituted into the causes and extent of intemperance in this Province, with a view to its suppression.

H. McKinnon, and others.

Of *Hugh McKinnon*, and others, of the Township of *Finch*, praying to be indemnified for work performed by them on the faith of Government.

Rev. Andrew Balfour.

Of the Reverend *Andrew Balfour*, of the Village of *Waterloo*, praying an aid for a Grammar School in the said Village.

G. G. Boswell, and others.

Of *George G. Boswell*, and others, of the Town of *Cobourg*, praying for an alteration in the limits of the said Town.⁸

Cobourg Police.

Of the Board of Police of *Cobourg*, praying for certain alterations in the Act incorporating the said Town.⁹

John Clark, and others.

Of *John Clark*, and others, Inhabitants of *Côte St. Martin, Longue Pointe*, and other places, complaining of the proceedings of the Trustees of the *Montreal Turnpike Roads*, and praying relief.

(59)

Geo. Pringle, and others.

Of *George Pringle*, and others, of *Hemmingford*, and other places, praying that one of the Division Courts for the District of *Beauharnois* be established at *Russelltown flats*.¹⁰

Ditto.

Of *George Pringle*, and others, of *Hemmingford*, and other places, praying that a protecting duty be laid on American produce introduced into this Province.¹¹

Mun. Council, Home District.

Of the Municipal Council of the *Home District*, praying that the property may be taxed in proportion to its situation and value.

Ditto.

Of the Municipal Council of the *Home District*, praying that an alteration be made in the periods of their meetings.

Mun. Council, District of Dorchester.

Of the Municipal Council of the District of *Dorchester*, praying to be authorised to grant licences to Tavern Keepers, and to appropriate the duties thereon for District purposes.¹²

Ditto.

Of the Municipal Council of the District of *Dorchester*, praying amendments to the Ordinances relative to Winter Roads.¹³

Mun. Council, Gore District.

Of the Municipal Council of the *Gore District*, praying for certain amendments to the Municipal Council Act.

McPherson & Co.

Of Messieurs *Macpherson, Crane*, and Company, and others, concerned in the Forwarding trade, relating to water communications, and praying that it may be improved.

L. Odell, and others.

Of *Lewis Odell*, and others, of the Seignory of *Lacolle*, praying for the abolishment of the Division Courts, and the establishment of others better adapted to the ends of Justice.¹⁴

H. Hoyle, and others.

Of *Henry Hoyle*, and others, of the Seignories of *Lacolle* and *Deléry*, praying to be relieved from the unjust exactions of their Seignors.

Mr. Simpson moved that 200 copies of said petition be printed in each language.¹⁵

(59)

Ordered — That two hundred copies of the said Petition be printed in each of the English and French languages, for the use of the Members of this House.

A Message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to confirm certain Rules, Orders, and Regulations, made by the Chief Justice and Judges of Her Majesty's Court of Queen's Bench for Canada West," to which they desire the concurrence of the Assembly.

And then he withdrew.

An engrossed Bill from the Legislative Council, intituled, "An Act to confirm certain Rules, Orders, and Regulations, made by the Chief Justice and Judges of Her Majesty's Court of Queen's Bench for Canada West," was read for the first time.

Resolved — That the Petition of the Reverend *Andrew Balfour*, of the Village of *Waterloo*, be referred to a Select Committee, composed of Messieurs *McLean*, *Hale* and *Jones*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.¹⁰

Queen's Bench
Rules Bill.

Petitions
referred;
A. Balfour.

Hugh McKinnon,
and others.

Mun. Council
Eastern District.

Report on
Petition of
Wm. Ross,
and others.

Report on
Petition of
Geo. S. Boulton.

Resolved — That the Petition of *Hugh McKinnon*, and others, of the Township of *Finch*, be referred to a Select Committee composed of Messieurs *McLean*, *Forbes*, and *Chesley*, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.

Ordered — That the Petition of the Municipal Council of the *Eastern* District, be referred to the Special Committee to which was referred the Petition of divers Freeholders and Inhabitants of the Township of *Lochiel*, and other places.

Sir *Allan N. MacNab*, from the Select Committee to which was referred the Petition of *William Ross*, and others, presented to the House the report of the said Committee, which was again read at the Clerk's the Report of the said Committee, which was again read at the Clerk's

"Your Committee have carefully examined the Petition to them referred, and after mature deliberation, are of opinion, that the prayer of the Petitioners ought to be granted; and that the amount which has been retained from their respective salaries, as Officers and Clerks of the late House of Assembly of *Lower Canada*, during the suspension of the Constitution of the said Province, should be paid to them by the Clerk of this House, out of any moneys which may come into his hands, for the contingencies of this House."

Ordered — That the said Report be referred to a Committee of the whole House, to-morrow.

Mr. *Boswell*, from the Special Committee to which were referred the Petition of *George S. Boulton*, of *Cobourg*, and the Petition of the President, Directors and Company, of the *Cobourg Harbour Company*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth: —

"That by an Act of Parliament of that part of the Province formerly *Upper Canada*, passed in the 2nd year of the Reign of His late Majesty, King *Will. IV.* a Loan of £3000 was authorised to the said Company, the time for the payment of which has expired.

"That the repayment of the said Loan, and six per cent. interest thereon, is amply secured by mortgage on private property.

"That a considerable portion of the interest has been paid, and your Committee can see no reasonable objection to an extension of

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time for the payment of the said Loan, upon the express condition that the interest shall be regularly paid, and the securities remain in full force.

"Your Committee therefore recommend, that the time for the repayment of the said Loan be extended accordingly."

Ordered — That the said Report be referred to a Committee of the whole House, to-morrow.

Report Select
Committee,
Lower Canada
Elections.

Mr. *Quesnel*, from the Special Committee appointed to proceed to the enquiry on certain outrages alleged as having occurred during the late general Election in the counties of *Terrebonne*, *Montreal*, *Vaudreuil*, *Beauharnois*, *Chambly* and *Rouville*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth : —

"That your Committee having taken into consideration the order of reference, and the Petitions therein mentioned, and the notification of an early prorogation, have confined themselves to ordering the Poll Books taken at the Elections for the said Counties to be laid before them, together with other documentary evidence, and they have not thought it expedient to order the attendance of any witnesses, seeing the great expenses which it would entail, without producing any beneficial result, this Session.

"Your Committee are of opinion, that the investigation ought to be continued at the opening of the ensuing Session of the Legislature, and brought to a conclusion as speedily as possible, consistent with Justice, the rights and liberties of the subject, and the privileges of the House."

(60)

Resolved — That this House doth concur with the Special Committee, in the said Report.

Report Com.
on Printing.

Mr. *Morris*, from the Standing Committee appointed to superintend the Printing of this House, during the present Session, with power to Report from time to time, presented to the House the First Report of the said Committee, which was again read at the Clerk's table, as followeth :

"With a view of improving the appearance of the Journals of the House, and assimilating them as nearly as possible to the Journals of the House of Commons, your Committee recommend that the Journals and Appendices be hereafter Printed upon paper of the same size and quality as that used in Printing the Journals of the House of Commons for the year 1838, and that the matter be arranged in double columns upon each page, as in that Journal, with brief marginal notes, and in the same type.

"Conference has been held with managers on the part of the Honourable the Legislative Council regarding the Printing of the Public Accounts, and other documents usually Printed by both Houses, and your Committee being of opinion that a large sum of money would be annually saved, were these papers to be Printed but by one branch of the Legislature, it was Resolved that, in Printing these documents for your Honourable House, a sufficient extra number be also struck off for the Honourable the Legislative Council.

"Agreeably to the procedure of the printing Committee of last Session, your Committee received Tenders for performing the daily Printing of the House during the present Session, and the Tender of *Edward John Barker*, being considerably under the Tenders of the other competitors for the work, your Committee directed the Clerk of the House to employ the said *Barker*, who has been required to furnish two sufficient sureties for the due performance of the work."

Ordered — That the said Report be referred to a Committee of the whole House, to-morrow.

Report on
Petitions of
Municipal Coun-
cil, Niagara
District.

Catholic Clergy
support.

Address for
correspondence,
St. Lawrence
Canal.

Military Road,
Ottawa District.

Gore Bank.

Usury Laws.

Wheat, and
Wheaten Flour.

Mr. *Thompson*, from the Special Committee, to which were referred the various Petitions of the Municipal Council of the *Niagara* District, presented to the House, the Report of the said Committee, which was again read at the Clerk's table, as followeth :

" That they have taken the Petition of the Municipal Council of the *Niagara* District, praying for an alteration in the site of the District town, into consideration, and they recommend that time should be allowed to the said Petitioners to name a place where they would wish the site of the said District town to be placed."

Mr. *Dunlop* moved, seconded by Mr. *Forbes*, that this House will, to-morrow, resolve itself into a Committee of the whole House, to consider whether it is expedient and necessary that some provision be made by the Government for the support of the Catholic Clergy of *Canada West*.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

On motion of the Honourable Mr. *Moffatt*, seconded by Mr. *Simpson*:

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of all correspondence that may have taken place with the Colonial Secretary during the years 1841 and 1842, on the subject of the appointment of an Engineer to inspect, report on, or superintend, the construction of the *St. Lawrence* Canal.

((Mr. *Moffatt* said :)) Several Members composing the Committee appointed to investigate the subject, complained of the want of papers, which the Secretary (West) had promised to furnish them.¹⁷

(60)

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Resolved — That a Message be sent to the Honourable the Legislative Council, praying their Honors will permit the Honourable *Alexander Fraser*, one of their Members, to attend the Special Committee to which is referred the Petition of *George Macdonell*, and others, on the subject of the Military Road for the *Eastern* and *Ottawa* Districts, on Saturday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference.

Ordered — That Mr. *J. S. Macdonald* do carry the said Message to the Legislative Council.

On motion of Mr. *Merritt*, seconded by Mr. *L. M. Viger*,

Ordered — That the Committee of the whole House, on the Report of the Special Committee to which was referred the Petition of the President, Directors, and Company, of the *Gore* Bank, be directed to Report whether it is expedient to repeal the double security clause contained in the several Bank Charters within this Province.

On motion of Mr. *Hale*, seconded by the Honourable Mr. *Jones*,

Ordered — That the engrossed Bill from the Legislative Council, intituled, "An Act to amend the Usury Laws," be read a second time, to-morrow.

On motion of Mr. *Merritt*, seconded by the Honourable Mr. *Moffatt*,

Ordered — That the Return to the Address of this House, of the twenty-second instant, with the several Despatches, on the subject of the importation of Wheat and Wheaten Flour, be referred to the

Special Committee to which was referred the Petition of the North American Committee of the Colonial Society.

On motion of Mr. *Hale*, seconded by Mr. *Child*,

Duty on Imports.

Ordered — That it be an instruction to the Committee of Ways and Means, to consider the propriety of laying a duty upon the Imports of Foreign Wheat into the Ports of the Province ; to consider at the same time the expediency of imposing a proportionate and simultaneously duty upon all other sorts of agricultural produce.

Mr. Harrison, although convinced of the necessity of considering these questions separately, acceded to this proposition, if it should go together.¹⁸

Mr. Hale insisted upon these two questions being considered simultaneously, and carried at the same time.¹⁹

Mr. Child stated, that since the last Session of Parliament, the United States Government had imposed a duty on Canadian agricultural produce ; he believed in reciprocity, and would impose a duty on them in return.²⁰

Mr. Cameron said that the reasons for separating the questions had already been sufficiently explained. The first had to go before the Imperial Government ; the other did not require that action.²¹

(60)

Mr. *Simpson* moved, seconded by Sir *Allan N. MacNab*, That it be a further instruction to the said Committee, to enquire into the propriety of continuing the construction of the Canals on the *St. Lawrence*, in the event of the said duties being imposed.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

On motion of Mr. *Hopkins*, seconded by Mr. *Harmannus Smith*,

War Losses.

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a detailed statement of all losses sustained during the late War with the *United States of America*, and unpaid, with each District by itself.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Contingencies.

Mr. *Hamilton*, from the Committee of the whole House, on the First Report of the Special Committee on the Contingent Accounts and Expenses of this House during the present Session, reported, according to order, the Resolution of the said Committee ; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth : —

(61)

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to issue his warrant in favour of *William Burns Lindsay*, Esquire, the Clerk of this House, for the sum of six thousand pounds, currency, towards defraying the current expenses of this House for the present Session ; and assuring His Excellency, that this House will make good the same.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Obstruction of rivers, &c.

Mr. *Taschereau*, from the Committee of the whole House, on the Bill for better preventing the obstruction of Rivers and Rivulets in *Canada East*, reported, according to order, the amendments made by

the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Qualification of Justices.

Mr. DeWitt, from the Committee of the whole House, on the Bill to revive a certain Act of the Legislature of Lower Canada, for the qualification of Justices of the Peace, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Real Estate.

A Bill to afford relief in certain cases to sellers of Real Estate, in Canada West, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, to-morrow.

Charitable association.

A Bill to incorporate the Charitable Association of the Roman Catholic Ladies of Quebec, was, according to order, read a second time.

Ordered — That the said Bill be now referred to a Committee of the whole House.

The House, accordingly, resolved itself into the said Committee.

Mr. Quesnel took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Quesnel reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered — That the said Bill be engrossed.

Church temporalities.

A Bill to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, to-morrow.

Duty upon Imports.

The order of the day for the House in Committee of Ways and Means, to consider the propriety of laying a duty upon imports of Foreign Wheat into the Ports of the Province, with an instruction to the said Committee, being read,

The House accordingly resolved itself into the said Committee.

Mr. Leslie took the chair of the Committee ;²²

Mr. Hale submitted a resolution to the effect that a due regard should be had to all classes, and to all sections of this Province, and therefore that it was unjust to impose a tax upon one item of the agricultural produce now, and postponing the rest until the next session. His reason he stated to be that he was anxious that the duties on all articles of agricultural produce should be simultaneously levied, and to prevent a duty upon one going into operation before the remainder were subjected to it.²³

Mr. Harrison ... said, that he had endeavoured, on a former occasion, to explain his reason for considering them separately, but from its importance he would repeat them.²⁴ ((He)) stated that the bill for laying a duty upon wheat, would have to be sent home for the Royal sanction ; in no case could it be sanctioned here ; and as the Governor had been, if he interpreted the despatch aright, instructed to co-operate with the Assembly in relation to other subjects of taxation, there would be sufficient time for the arrangement which his hon. friend was desirous of effecting. He (Mr. Harrison) was only desirous that this measure should be disposed of by the house at its present Session, so that it might be brought at an early period before the Imperial Parliament.²⁵ The introduction of it, at this time, was only an embarrassment.²⁶

Mr. Hale said if the hon. gentleman was willing that such an arrangement may be made, he would have no objection to vote for his resolution. He (Mr. Hale) would ask the hon.

gentleman to fix a duty — say the first of May next, or any day which he might think proper. He wanted to be satisfied ... of a simultaneous movement — that was all. He had heard it hinted at, that by pressing such a motion he might embarrass the Government, but that was not a consideration for him ; it was his business to look after the interests of his constituents, and he would not be deterred from acting with reference to their interests by any such ideas as those which had been advanced. If the duties on wheat and other articles of agricultural produce were to commence at the same time — if a pledge were given to that effect by the hon. Secretary, — he would be fully satisfied.²⁷

Mr. Merritt said the hon. gentleman would gain nothing by his resolution, as the duty on wheat and the imposition of duty on inferior grains, &c., were two distinct measures, and had been so treated in the despatch. A boon is offered to this country, and let us get that boon ; it will form the chief element of our prosperity ; it has been promised, and we have no doubt would be strictly fulfilled.²⁸

Sir Allan MacNab. — As long as I have been in Parliament, there has been a strong expression of feeling in Upper Canada, relative to this question. They have desired a duty on wheat, for the purpose of protecting the agricultural interests. We are now allowed to do this, and cautioned not to tax too heavy a duty on it. This would injure our carrying trade. We are now compelled to pay one shilling and three pence, currency, duty, on wheat going into the United States, and we should protect ourselves by an imposition of duties. Lower Canada ought to and will be protected. They have power to compel the Government to do what they please.²⁹ Although he had no very great confidence in the Government, he was not disposed to throw any embarrassment in their way on this question ; on the contrary he would support the ministry, (hear, hear,) and he would bow to “the well understood wishes of the people.”³⁰

Dr. Dunlop congratulated his friends on the Treasury Bench for coming round. They brought in a Bill a day or two ago, requiring us to put fourpence-halfpenny duty on American wheat ; this they insisted on. They did not condescend to give us any reasons for it, nor did they condescend to tell us that our American trade might still be enjoyed. The despatch on which the Bill was founded, was not before the Members of this House until today at three o'clock. I, for one, cannot reduce despatches from their usual mystification of diplomatic language, to plain common sense, in this short space of time. It is well known to every Honourable Member of this House, that our external relations with foreign states must be regulated by Imperial Parliament. They have told us that they will allow us to impose a fourpence-halfpenny duty on foreign wheat. While we thank Sir Robert Peel for this bounty, I beg to tell him that it is not worth a pinch of snuff. Had it been half a dollar, it would have been a protection ; it can do us no good, and may turn the whole trade from the St. Lawrence into the Hudson. The Treasury Benches, (for some of whom I have a great respect) thought that, with their majority, they would run over the House, and carry their Bill ; they have been rebuffed and disappointed. I do not wish to embarrass them ; if they will pledge themselves to bring forward the second part of this Bill relative to agricultural produce, on the first of next session, I will not vote against them. I will support them, whenever my confidence will allow me, which, I am sorry to say, is not often. In conclusion, I think that the Americans have shewn themselves perfect fools in putting on duties — and I hope we will not bite off our own noses, to use a vulgar expression, by instituting them.³¹

Mr. Child thought that a distinction should be kept between the two questions, as the ultimate determination of the wheat question depended on the Imperial Parliament. He hoped the hon. member for Sherbrooke, would withdraw his resolution.³²

Mr. Durand was willing that the questions should be kept separate, but did not see why the other part should be postponed. The number of petitions which had been presented to the House on the subject of agricultural protection, sufficiently expressed the wishes of the people, and evinced their interest in the question ; as they required only a fair protection, and that they were entitled to.³³

Mr. Hale seeing the sense of the House against him, would withdraw his resolution.³⁴

Mr. Moffatt said ... that looking at the correspondence of Lord Stanley now before the House, he could not see very clearly that although American Wheat coming into Canada and paying duty would go into England free ; that Canada Wheat would go in at the same time free. The Dispatch before him was dated 2d of March last, and received by the Government here on the 14th of April, and on carefully perusing the document, he saw no allusion whatever to the Governor being desired to promote this duty being placed on Foreign Wheat

coming in, or authority to him to promise them that the Provincial Wheat would go into the British Markets free. There may be probably a subsequent correspondence which contains more satisfactory assurance that Canadian Corn, will be permitted free, for the Governor in his despatch says distinctly "in obedience to the wishes," he saw no wishes implied in the document on the table.³⁵

Mr. Harrison said that there were further instructions received.³⁶

Then, continued **Mr. Moffatt**, there might be something more explicit provided by the Administration between the 14th of April and the present time than has been shown to this House. Our Colonial interests are by no means more favourably circumstanced now than they were before the passing of the late Tariff by the Home Government, for when the Corn is lowest in England the duty is highest on our produce, thereby taking from us the advantage of the favourable time of going into the market, and there were other indications to be viewed, closely connected with this question, which seemed to his mind not to be altogether what the Government would have them think, there were some important points in the late treaty with the United States³⁷ by which, produce passing from the United States into New Brunswick was admitted as Colonial Wheat.³⁸ The river St. Johns, which was the boundary line was conceded for the transit of American produce, and might not a similar train follow by having the line of the St. Lawrence conceded in the same way. He could not see that it was for them to place a duty on American produce in the present state of affairs, if he supported it, it would be against the conviction of his conscience, as far as he knew, until some further warrant was had from the British Government. It was conceded by Sir Robert Peel that the British Government was to place Canadian produce on a footing with their own, but he thought it would be better to suspend the consideration of the subject until further despatches were received. He concluded by saying that he would, if there were anything wrong in it, throw all the responsibility on the Government, and let them bear the consequences if the steps proposed were not fully borne out by the promised advantages to this country to be derived from the imposition of duty on American produce coming in to this colony.³⁹

Mr. Harrison said that from the remarks of Mr. Moffatt, there were some views of the case which were new to the Government; he (Mr. Moffatt) was perfectly right in placing the responsibility on the shoulders of Government, that was a proper view of the matter to take up. He (Mr. Harrison) considered that it was a benefit to this country to have American produce passing through it, whichever way it went; there was now an indication that American produce will pass through on much more favourable terms than it has hitherto done, and it was a greater benefit to the American if he could send his produce cheaper into England by way of Canada than through another channel. He contended that it would be a benefit both to the Canadian and the American. The imposed duty will come into the colonial purse, and the increase of the forwarding trade will be secured.⁴⁰

Mr. Simpson — It is acknowledged on all hands, that our trade with the United States is important to the country. The cost of transportation of wheat from this through the Erie Canal to New York, is about ten cents per bushel; from Ohio to Kingston alone, it is twenty-five; the cost of exportation from America ports to Great Britain is three shillings less per barrel than from Quebec. United States wheat, manufactured in Canada, goes to England as Canada flour: will the duty help us there? If we take into consideration the relaxation of the duty on United States ((wheat)) directly sent to England, our carrying trade will certainly be diverted, and can we bring it back? I can see no assurance in the despatch that American or Canada wheat will be admitted free into England⁴¹. We are not advancing our shipping trade nor our forwarding trade by this measure. He saw no boon held out to the farmer by the proposition of the Government now before the Assembly.⁴²

Mr. Neilson said that there was a threefold object in view.⁴³ The first object in view is to encourage the agricultural interests of this Province; the second is the admission of Canada wheat into Great Britain, free of duty; the third is a revenue to be derived from it.⁴⁴ With regard to the first object the price of Corn will be raised to the Consumer, and to this he would object, they had no right to raise the price of food, it was unjust, and should not be countenanced by any legislature.⁴⁵ He concurred with the Hon. Member for Montreal (Mr. Moffatt) in his inability to discover any assurance that the duty would be taken off American wheat. It is said, that were it possible to secure the Mother Country against the introduction of American wheat, it would be done. They wish to guard against the American wheat. I have a great respect for Custom House Officers myself, but all others have not this respect. In the first place, you cannot secure this duty, and after the wheat has entered, you

cannot prevent its going to Great Britain as Canada wheat.⁴⁶ They would require custom house officers to extend along a thousand miles of coast, and then they might get as much would pay themselves but certainly not more. American produce will find its way into Canada in a fraudulent manner, in spite of all the custom House officers can do, fraud will be practised, and fraud is infamous in any shape, and here we will adopt a system admitting American wheat, and sending it home as our own. He should for his own part wish that a free and friendly intercourse might be held with their neighbours, and then we shall be able to live without the custom House officers. It is said the responsibility of this measure is to be thrown upon the Government, but he had a responsibility to look to in that house, a responsibility to his conscience and his Country and he would not vote for the measure.⁴⁷

Mr. Turcotte made a short address to the House in French, all of which was lost to us; with the exception of one statement, made in alluding to agricultural duties, which produced some merriment among the farmers: it was, that a large ox weighing 800 lbs. did not eat more than a small one of 400 lbs.⁴⁸

Mr. L.M. Viger said that no one at all acquainted with the principles of political economy could object to this proposition.⁴⁹ What had honourable gentlemen to fear? had they not Her Majesty's ministers⁵⁰ coming forward and taking all the responsibility of the measure on themselves, and if any thing was wrong it would not be the fault of the members of this House.⁵¹

The question of a duty being laid on Foreign wheat was then put, amidst a Babel of cries of "order," "question," "hear him," &c., during which several members essayed to speak, but could not be heard⁵².

((The motion) was carried in the affirmative by a majority.⁵³

Mr. Harrison then stated, that as by the first Resolution it had been declared that it was expedient to impose a duty on American wheat, he would now propose a Resolution to fix the amount of duty, not such as to prevent the trade in American wheat through Canada, but one which the Imperial Parliament has proposed, — namely, three shillings per imperial quarter. (*Loud cries of "Question, question," "Order," "Hear."*)⁵⁴

Dr. Dunlop rose amidst it all, and, after some delay, succeeded in making himself heard. He said that he was not going to be put down by clamour, and would go on in spite of them.⁵⁵ The House was about taking a step now, that will either make or mar the Country. They should look well at it before they moved. He would be much obliged for information to the honourable gentlemen opposite more than they have yet given on this subject; he believed that ... truths (sic) of the members in the house were nearly similarly circumstanced that, is, quite ignorant of grounds on which this tax was proposed⁵⁶. But he disliked taking what an Hon. Member had called an "hipsy dixy" for it. — (*Laughter.*)⁵⁷ He would say as an Upper Canadian farmer that he disclaimed the 4½d. per bushel, it was no protection, he would like to know if this duty now going to be laid on, will not turn the trade down the Hudson that is at present flowing along the St. Lawrence. There was no man such a born idiot as not to be aware that every thing depended on the Agricultural Interests of a Country; was it not our only source of wealth? We should therefore be feelingly alive to its interests.⁵⁸ He would propose as an amendment that it should be discussed by a Committee capable of judging, who should report thereon; and he would name Messrs. Merritt, McNab, Hincks, Forbes, Leslie, Papineau, Moffatt, and Jones.⁵⁹ Before concluding he said he did not think it fit to have things carried with a high hand, or hurried upon them without proper time for the consideration of them.⁶⁰

This amendment was lost on division.⁶¹

Mr. Merritt thought the question should not be hurried through the House; it was an important one; and one which the British House of Commons took three weeks to deliberate upon. He was satisfied that when wheat is 67s. a quarter in the English market, the natural protection of distance would be sufficient to protect it. He gave a variety of statistics ... and concluded by stating that he was in favor of the duty.⁶²

Mr. Williams declared ... that the duty of three shillings per quarter was insufficient. If agricultural interests were to be protected, this duty would be laughed at with derision by the farmers in the country, sevenpence-halfpenny was the least duty that should be imposed. He spurned the present measure.⁶³

Captain Steele did not think that the 4½d. per bushel, was quite enough. But until they saw how it worked, it would be difficult to pronounce an opinion.⁶⁴ The farmers of Upper Canada were not illiberal men, they held to the motto, "live, and let live," and desired nothing more than the prosperity of the whole country.⁶⁵ The Canadian farmer does not want to sacrifice the Commercial interests to his; he would accept the offer as a boon; he could not view it in the same light as other gentlemen, he considered it would not be in any way injurious to the forwarding interests. He considered the measure as important a one for Lower as Upper Canada.⁶⁶

Mr. Roblin. — This is an important point, and he was free to confess, he hardly knew what amount of duty should be imposed. If too high, it would destroy the measure, but when the measure comes to be tested and tried, we shall then know whether this is the maximum.⁶⁷ He would take any duty as a boon.⁶⁸ It has been repeatedly said that this is no protection; he contended it was; the duty is not all we gain, we get the duty taken off our wheat, and perhaps off the American.⁶⁹ He was of opinion that it was the intention of the Imperial Government to admit American wheat free coming from the country, as it would be absurd to suppose that the same article would be taxed twice.⁷⁰

Mr. Dunscomb. — The Hon. Member for Huron (Dr. Dunlop) had asked the Ministry what the effect of this will be on our trade with the United States? They should have answered it: — "If the crops in England should be under the average for three years, it will turn the trade we now have into the United States, if the American wheat is not admitted as Colonial." If this is not done, it will ruin our carrying trade, and it affords no protection to agriculturists.⁷¹ He could not understand the Despatch in this point, if the American produce were to be so admitted, the passage of the present motion and the completion of the arrangement at home, would form an era in the prosperity of the country.⁷²

Mr. Hincks said if the case were to remain as it is now, with the duty taken off at home, it would be a great boon. We should then have the milling, and American wheat ground into flour here would go down, precisely as it does now, as Canadian flour. The effect was the same however viewed.⁷³ ((He)) thought it rather singular that the Hon. Member for Durham (Mr. Williams) should spurn the measure as non-protective, when he would be satisfied with two-pence more.⁷⁴

Mr. Cartwright thought the Hon. Member for Durham ((Mr. Williams)) would not spurn the measure, if he had taken the trouble to reflect a moment upon it, and estimate the returns. There are 1,500,000 acres of land, in Upper Canada, under cultivation, one-fifth of this, it may be safely said, is used in growing wheat; this, at seventeen bushels per acre, will give us upwards of five millions of bushels. Our own, it is admitted, goes to Great Britain free; we can send it all, and consume the American, thereby getting the duties. Is this not an advantage?⁷⁵

Mr. Black had one observation to make. When the Administration bring forward a measure of this importance to the country, they should be able to inform us, whether American wheat, coming through Canada, will be admitted free of duty, or not. There appears to be a difference of opinion on the matter (which should be positively known) among the Ministry themselves. The Secretary (West) thinks the despatch is susceptible of a construction admitting it free of duty; the Inspector General thinks it will not. With the prospect before us of ruining our trade in this article, we should pause in adopting this measure. He was in favour of free trade, but if it could be shewn that the trade of this country could be benefitted by it, he would vote for it. The House has no statistics on the subject, apon (sic) which it can rely, and it ought to know what the language of the despatch meant.⁷⁶

After some further conversation the motion was granted.⁷⁷

Mr. Child then proposed a Resolution, to the effect that it was expedient to impose a duty on all agricultural produce, other than wheat and wheaten flour, brought (sic) from the United States.⁷⁸

The motion was amended and re-amended, put and carried, and a scene of clamour, uproar and confusion ensued, that defies description. Yeas 37, Nays 23.⁷⁹

Mr. Boulton proposed to amend the wording of the Resolution, the mover of it having shewn his ignorance of philology (sic). He would have it read as follows, — "That exclusive of the duty on wheat deemed necessary to be imposed by the foregoing Resolution, it was necessary to impose a duty on all other agricultural products."⁸⁰

Mr. Dunscomb. — Going out or coming in? — (laughter)⁸¹.

((The Resolution was)) again amended, "imported into this Province."⁸²

Mr. Thompson would ask where from? — (Laughter and cries of "order," "question," and "hear.")⁸³

The amendment was at last concluded by the words, — "from the United States," and the Resolution was entered on the Journals of the House.⁸⁴

Mr. Hamilton proposed a Resolution to the effect, that those agricultural products necessary for the Gaspé fisheries, which had hitherto been admitted duty free, should still be admitted as heretofore.⁸⁵

Some slight discussion took place on this subject.⁸⁶

Mr. Black ... urged them not to decide hastily on this matter; it was one of the greatest importance, and should be fully considered.⁸⁷

((The)) amendment ((was)) lost on division.⁸⁸

(61)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Leslie reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

Police, Canada East.

The order of the day for the second reading of the Bill to repeal certain Ordinances therein mentioned, relative to the establishment of a system of Police in *Canada East*, being read,

Ordered — That the said order of the day be postponed until to-morrow, and that it be then the first order of the day.⁸⁹

Freedom of Elections.

The order of the day for the House in Committee, on the Bill to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned, being read,

Mr. Harrison said they could not go on with the next order of the day, the freedom of election bill, as the printer had not sent it in yet.⁹⁰

Mr. Cartwright said, he supposed that Mr. Barker wanted to extend the session.⁹¹

(61)

Ordered — That the said order of the day be postponed until to-morrow, and that it be then the second order of the day.

Mr. Black moved, seconded by Mr. L. M. Viger, That the House do now adjourn.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Gore Bank.

The order of the day, for the House in Committee, on the Report of the Special Committee to which was referred the Petition of the President, Directors, and Company, of the *Gore Bank*, with an instruction to the said Committee, being read,

Mr. Thompson moved, seconded by Mr. Morris, that the said order of the day be postponed until to-morrow, and that it be then the third order of the day.

The question having been put upon the said motion, a division ensued and it passed in the negative.⁹²

Measurement of Timber.

The order of the day, for the House in Committee, on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same, being read,

The House accordingly resolved itself into the said Committee.
Mr. *Derbshire* took the chair of the Committee.

Several Members having retired,
Mr. Speaker resumed the Chair,

And the names of the Members present were taken down, as followeth :

Mr. Speaker, Mr. *Armstrong*, Mr. *Berthelot*, Mr. *Boutillier*, Mr. *Cameron*, Mr. *Christie*, Mr. *Cook*, Mr. *Delisle*, Mr. *Derbshire*, Mr. *DeWitt*, Mr. *Draper*, Mr. *Foster*, Mr. *Gilchrist*, Mr. *Hale*, Mr. *Hamilton*, Mr. *Morris*, Mr. *Papineau*, Mr. *Parke*, and Mr. *D. B. Viger*.

And at five minutes past eleven o'clock at night, Mr. Speaker adjourned the House for want of a *quorum*.

Footnotes — 29 September 1842.

1. Presented by Mr. J.S. Macdonald, according to MONTREAL GAZETTE, 3 October 1842.
2. Presented by Mr. S. Jones, according to MONTREAL GAZETTE, 3 October 1842.
3. Presented by Mr. Black, according to MONTREAL GAZETTE, 3 October 1842.
4. Presented by Mr. Black, according to MONTREAL GAZETTE, 3 October 1842.
5. Presented by Mr. Black, according to MONTREAL GAZETTE, 3 October 1842.
6. Presented by Mr. Cameron, according to MONTREAL GAZETTE, 3 October 1842.
7. Presented by Mr. Cameron, according to MONTREAL GAZETTE, 3 October 1842.
8. Presented by Mr. Boswell, according to MONTREAL GAZETTE, 3 October 1842.
9. Presented by Mr. Boswell, according to MONTREAL GAZETTE, 3 October 1842.
10. Presented by Mr. Dunscomb, according to MONTREAL GAZETTE, 3 October 1842.
11. Presented by Mr. Dunscomb, according to MONTREAL GAZETTE, 3 October 1842.
12. Presented by Mr. Taschereau, according to MONTREAL GAZETTE, 3 October 1842.
13. Presented by Mr. Taschereau, according to MONTREAL GAZETTE, 3 October 1842.
14. Presented by Mr. Simpson, according to MONTREAL GAZETTE, 3 October 1842.
15. MONTREAL GAZETTE, 3 October 1842.
16. On motion of Mr. McLean, according to MONTREAL GAZETTE, 3 October 1842.
17. MONTREAL GAZETTE, 3 October 1842.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. This debate was reported in : MONTREAL GAZETTE, 3 October 1842; BRITISH COLONIST, 5 October 1842; KINGSTON CHRONICLE, 1 October 1842; and MONTREAL TRANSCRIPT, 4, 8 October 1842. The accounts in the MONTREAL TRANSCRIPT and BRITISH COLONIST are very similar.
23. KINGSTON CHRONICLE, 1 October 1842.
24. MONTREAL GAZETTE, 3 October 1842.
25. KINGSTON CHRONICLE, 1 October 1842.
26. MONTREAL GAZETTE, 3 October 1842.
27. KINGSTON CHRONICLE, 1 October 1842.
28. IBID.
29. MONTREAL GAZETTE, 3 October 1842.
30. KINGSTON CHRONICLE, 1 October 1842.
31. MONTREAL GAZETTE, 3 October 1842.
32. KINGSTON CHRONICLE, 1 October 1842.
33. IBID.
34. IBID.
35. MONTREAL TRANSCRIPT, 8 October 1842.
36. IBID.
37. IBID.
38. MONTREAL GAZETTE, 3 October 1842.
39. MONTREAL TRANSCRIPT, 8 October 1842.
40. IBID.
41. MONTREAL GAZETTE, 3 October 1842.
42. MONTREAL TRANSCRIPT, 8 October 1842.
43. IBID.
44. MONTREAL GAZETTE, 3 October 1842.
45. MONTREAL TRANSCRIPT, 8 October 1842.
46. MONTREAL GAZETTE, 3 October 1842.
47. MONTREAL TRANSCRIPT, 8 October 1842.
48. MONTREAL GAZETTE, 3 October 1842.
49. MONTREAL TRANSCRIPT, 8 October 1842.
50. BRITISH COLONIST, 5 October 1842. This line is missing from the account in the MONTREAL TRANSCRIPT.
51. MONTREAL TRANSCRIPT, 8 October 1842.
52. IBID.
53. IBID.
54. MONTREAL GAZETTE, 3 October 1842.
55. IBID.
56. MONTREAL TRANSCRIPT, 8 October 1842.

57. MONTREAL GAZETTE, 8 October 1842.
58. MONTREAL TRANSCRIPT, 8 October 1842.
59. MONTREAL GAZETTE, 3 October 1842.
60. MONTREAL TRANSCRIPT, 8 October 1842.
61. MONTREAL GAZETTE, 3 October 1842.
62. IBID.
63. IBID.
64. MONTREAL TRANSCRIPT, 8 October 1842.
65. MONTREAL GAZETTE, 3 October 1842.
66. MONTREAL TRANSCRIPT, 8 October 1842.
67. MONTREAL GAZETTE, 3 October 1842.
68. KINGSTON CHRONICLE, 1 October 1842.
69. MONTREAL GAZETTE, 3 October 1842.
70. KINGSTON CHRONICLE, 1 October 1842.
71. MONTREAL GAZETTE, 3 October 1842.
72. KINGSTON CHRONICLE, 1 October 1842.
73. IBID.
74. MONTREAL GAZETTE, 3 October 1842.
75. IBID.
76. IBID.
77. KINGSTON CHRONICLE, 1 October 1842.
78. MONTREAL GAZETTE, 3 October 1842.
79. MONTREAL TRANSCRIPT, 8 October 1842.
80. MONTREAL GAZETTE, 3 October 1842.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. "The printing of the Bill not having been done by the person who had undertaken the work, it stood over till tomorrow." MONTREAL GAZETTE, 3 October 1842.
90. BRITISH COLONIST, 5 October 1842.
91. IBID.
92. The house went into Committee on this Report only on 6 October 1842.

Friday, 30 September 1842.

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2 Petitions
bro't up.

The following Petitions were severally brought up, and laid on the table : —

By Mr. Powell, the Petition of *John Heath*, Junior, and others, of the township of *Townsend*.

By Mr. Boswell, the Petition of *James Lyons*, and others, Inhabitants of the township of *Hamilton*.

Justices' qualifi-
cation Bill.

An engrossed Bill to revive a certain Act of the Legislature of *Lower Canada*, for the qualification of Justices of the Peace, was read for the third time.

Resolved — That the Bill do pass, and the title be, "An Act for the qualification of Justices of the Peace."

Ordered — That the Honourable Mr. Jones do carry the said Bill to the Legislative Council, and desire their concurrence.

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River
obstructions
Bill.

An engrossed Bill for better preventing the obstruction of Rivers and Rivulets, in *Canada East*, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. Jones do carry the said Bill to the Legislative Council, and desire their concurrence.

Quebec Ladies'
charitable asso-
ciation Bill.

An engrossed Bill to incorporate the Charitable Association of the Roman Catholic Ladies of *Quebec*, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. Parent do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read :
Adam Thompson,
and others.

Pursuant to the order of the day, the following Petitions were read :

Of Adam Thompson, and others, of *West Flamborough*, and other places, complaining of partiality in the site of the toll gates on the road from *Dundas* to *Galt*, and praying redress.¹

Wm. Morris,
and others.

Of William Morris, and others, of the Eastern Townships, praying an aid for certain roads.

John Rankin,
and others.

Of John Rankin, and others, Inhabitants of the townships of *Ascot*, *Brompton*, and other places, praying an aid for a road.²

Warden, Gore
District.

Of the Warden and Municipal Council of the *Gore* District, praying for amendments to the Common School Act.

Ditto.

Of the Warden and Municipal Council of the *Gore* District, praying that no division be made of the said District.

Wm. Adams,
and others.

Of William Adams, and others, Inhabitants of *Restigouche*, praying an aid for a road.

Kingston Board
of Trade.

Of the Board of Trade of the Town of *Kingston*, praying for certain amendments to the Currency Law.

Major Richard-
son.

Of Major John Richardson, praying for encouragement in the publication of a History of the War of 1812.³

DEBATES OF LEGISLATIVE ASSEMBLY

Bishop of
Montreal.

A. Chapman,
and others.

Mayor, &c. of
Montreal.

Rev. John Leeds,
and others.

Petitions re-
ferred :
H. Mulholland,
and others.

John Pattie,
and others.

Gore Bank.

Supply.

Public Works,
and proposed
loan.

Of the Right Reverend the Lord Bishop of *Montreal*, and others, Inhabitants of *Quebec*, praying for certain amendments to the Common School Act.⁴

Of *A. C. Chapman*, and others, Inhabitants of the County of *Rouville*, praying an aid to complete the erection of an Academy in the said County, and to support the same.

Of the Mayor, Aldermen, and Citizens of the City of *Montreal*, praying for certain amendments to the Act incorporating the said City.⁵

Of the Reverend *John Leeds*, and others, of the Church of *England*, at *Coteau du Lac*, praying for the passing of an Act regulating the Church Temporalities in the Diocese of *Quebec*.⁶

Ordered — That the Petition of *Henry Mulholland*, and others, of *Montreal*, presented to the House on the twenty-seventh instant, be referred to the Select Committee to which was referred the Petition of *John Knowlson*, and others, of the townships of *Cavan* and *Manvers*.

Ordered — That the Petition of *John Pattie*, and others, members of the "Ottawa Total Abstinence Society," presented to the House on the twenty-seventh instant, be referred to the said Committee.

Ordered — That when this House doth adjourn, it will adjourn until to-morrow, at eleven o'clock a.m.

On motion of Mr. *Thompson*, seconded by Mr. *Hale*,

Ordered — That the order of the day, for the House in Committee, on the Report of the Special Committee to which was referred the Petition of the President, Directors, and Company, of the *Gore Bank*, with an instruction to the said Committee, lost by the adjournment of the House of yesterday, be revived, and that this House will to-morrow, resolve itself into the said Committee.⁷

On motion of the Honourable Mr. *Hincks*, seconded by the Honourable Mr. *Harrison*,

Resolved — That this House will, on Monday next, resolve itself into a Committee of Supply.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker, two Messages from His Excellency, the Governor-General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth :

Charles Bagot.

THE Governor-General, in conformity with the intention expressed in his Speech at the opening of the Session, and in compliance with the desire of Her Majesty's Secretary of State for the Colonies, makes the following communication to the House of Assembly, upon the subject of the Acts, cap. 28 and 33 of last Session, relating to Public Works and the proposed Loan.

His Excellency is instructed by the Secretary of State to assure the people of *Canada*, through their Representatives in the House of Assembly, that the objects contemplated in the above Acts, of relieving the Finances and improving the credit of *Canada*, and at the same time of developing by measures of extensive internal improvement the vast natural resources of the Province, are viewed by Her Majesty's Government with hardly less of interest, than by the Legislature and people of the Province ; and every consideration of good faith, and of policy, would lead Her Majesty's Government scrupulously to fulfil to their utmost extent, the pledges of assistance held forth by their predecessors in Office, and communicated to the Legislature of *Canada*.

by Lord *Sydenham*, and also to aid in the accomplishment of the objects sought to be obtained by the Acts now under consideration.

Her Majesty's Government have given to the financial project, proposed to be carried into effect by the Acts in question, their most deliberate and anxious consideration, and the result of that consideration, has been to impress upon them a very strong conviction, that with the view of most effectually and most economically benefiting the Province, and conducing to the maintenance of public credit, and to the promotion of those great undertakings of internal improvement which may ultimately make an ample return for the original outlay but upon which, unassisted, the Province could not safely enter it, it would be inexpedient to interpose the credit of the Mother Country, between the Province and the Creditors under the existing debt; and that it would be more for the advantage of the Province that the aid to be rendered should be applied exclusively to the promotion of the intended Public Works.

According to the arrangement proposed by Lord *Sydenham*, and the Acts under consideration, the execution of the Public Works of every description is made mainly to depend upon Funds to be raised upon the sole responsibility of the Canadian Government. If the cost of the local works should, in many instances, exceed the Estimate, or if,

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Public Works,
and proposed
loan.

consequence of the priority given to the loan of £1,500,000 and of the general management of Canadian Finance, the credit of the Province should not continue to be such as to enable it to raise the whole of the second Loan of £1,678,682, at 5 per cent, funds might be wanting to complete those great works, with a view to which mainly the assistance of *Great Britain* was originally given: and Her Majesty's Government is compelled to acknowledge that where it appears that the sum necessary for a work in *Lower Canada*, of which the Tolls were represented to be an ample security for the amount, could only be raised on the double security of those Tolls, and the credit of the Province at a rate of from 6 to 8 per cent, they cannot but entertain serious apprehensions as to the practibility of carrying into effect the objects of the Public Work's Act by sums raised on the Provincial security only, within the terms authorised by that Act, it will of course be understood that there is no authority in any case to issue the Provincial Debentures below par; such a step would be in fact a violation of the spirit, if not of the letter, of the Provincial Act which limits the rate of interest at five per cent.

Her Majesty's Government hopes it is equally unnecessary to offer a caution against any vague estimates, or excess of outlay being sanctioned, under the expectation of a further advance of the credit of the Mother Country beyond that which has been so liberally afforded, and, although it is no doubt true, that, in the exercise of the discretion vested in the Governor by the Public Works' Act, he might abstain from issuing Debentures beyond the means of the Province to bear the charge, yet this step on his part, or the inability to raise the money, at the prescribed rate of interest, might leave unfinished the most important works, and thus frustrate the objects contemplated by the British Government.

In order to guard against the possibility of such a result, and to secure the application of the assistance of *Great Britain* in the most direct manner, to the benefit of the Province, it is proposed by Her Majesty's Government, that the existing Canadian Debt should remain a first charge upon the Revenue of the Province, and should be paid off, as it became due, from the produce of the current Revenue, and that the £1,500,000 to be raised under the guarantee of the Imperial Parliament, should be applied directly to the execution of the Public Works, enumerated in the Act already referred to.

Under this arrangement the credit of the Province would be strengthened by the continuance of the priority of the present debt, and by the prospect of early repayment at or before the expiration of the existing Bonds. The local Legislature, thus unencumbered with other obligations, would be enabled to enter into negotiations with the creditors under the existing debt, and either to continue during the terms of their respective engagements, the present rate of interest, or to extinguish the debt by mutual agreement, before the period stipulated under the present engagement, on far more favourable terms than the British Government could do if they were to become responsible for the amount. By this course, also, the Public Debt of *Canada* in addition to the existing debt, which would be gradually paid off as funds became available for the purpose, would be limited to the sum appropriated for the completion of the Public Works, of which there would be, at least, £1,500,000, raised at a rate of interest not exceeding 4 per cent.

This arrangement, no doubt, would require *Great Britain* to give up her security of priority of claim upon the Consolidated Provincial Revenue, that is to say, the payment of the new Loan of £1,500,000, would become chargeable after the payment of the existing debt, instead of becoming the first charge, by the extinction of that debt, as first proposed. But Her Majesty's Government willingly consent to make this sacrifice because they feel convinced that this arrangement is more conducive to the financial prosperity of *Canada* than that proposed to be adopted under the two Acts, and that setting aside higher considerations, priority of claim upon the Provincial Revenue is an inferior security to that derived from the prosperity of the Province.

Her Majesty's Government, therefore, do not propose to interfere with the existing debt; but with the view of furthering the important objects, contemplated by the Act numbered 28, they propose to pledge the credit of *Great Britain* to a sum not exceeding £1,500,000, to be raised by the Province at a rate of interest not exceeding 4 per cent, under the guarantee of the Imperial Parliament, and with a provision to be made for a sinking fund at a rate of, not less than, five per cent per annum of the principal, to be secured in the first instance upon the Tolls of the Works to be undertaken, the ordinary Revenues of the Province being pledged as a collateral security, and the charge to rank next in order to the obligations now by law permanently attaching to the consolidated fund.

Government House,

Kingston, 29th September, 1842.

Charles Bagot.

Emigrant Agent.

His Excellency, the Governor General, transmits to the House of Assembly a Report which he has received from Doctor *Thomas Rolph*, late Emigration Agent, in the United Kingdom, on behalf of the Government of *Canada*; and recommends to their consideration the propriety of awarding to that Gentleman a sum, not exceeding £500, Sterling, in remuneration for his past services, in the above capacity.

Government House,
Kingston, 29th September, 1842.
(Copy.)

Kingston, September 24th, 1842.

Report.
May it please your Excellency:

I take the earliest opportunity afforded me by your Excellency's permission to return to *Canada*, to announce my arrival, and report my proceedings in the United Kingdom, since my departure.

On arrival in *London*, I waited on his Lordship, the Secretary of State for the Colonies, apprising him of the appointment which I had the honor of receiving from your Excellency; and was presented by him to Her Majesty, at the first Levee, in the capacity as Agent for Emigration on behalf of the Government of *Canada*.

Feeling much inconvenience from the want of a suitable office in the Metropolis, I made application to the North American Committee of the Colonial Society, for permission to receive persons and communications at their Rooms in St. James's Square; and having received their assent, communicated my appointment and that circumstance to the Colonial Land and Emigration Commissioners, who placed my name amongst the list of Agents in their Book of instructions and information to those who were desirous of proceeding to the North American Colonies, and obtain such particulars as would guide them to their settlement on their arrival. By this extended notice of my appointment, daily applications were made to me, personally and by letter, from all parts of the United Kingdom; from many persons who, being possessed of Capital, and had resolved on removing to some of the Colonies, were most desirous, before so doing, of obtaining every possible information of the country to which they were removing — the price of land, the best route of travel, the respective prices of cultivated and uncultivated land, in the various sections of the Province; the means of internal communication; contiguity to market of respective localities; the progress of settlement; the augmented value of property; opportunities for worship and education; the state of society — in fine, as

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Report of
Emigrant Agent.

much information of the country as could be furnished them: firstly, to enable them to decide whether such description would induce them to visit it with the intention to settle; and secondly, if they did so make up their minds, facilitate and expedite their settlement on their arrival. It is to this valuable description of settlers — those who are possessed of some means, which they desire to conjoin with their own industry, in a sphere not closed against them by over population, or where a large capital is required to follow the pursuits of husbandry — that the services of a resident Emigrant Agent in *England*, to whom they can apply, is eminently useful, and almost indispensably necessary; and numbers of that valuable yeomanry, from the rural Districts of the United Kingdom, now settled in the *Ottawa*, *Midland*, *Newcastle*, *Home*, *Gore*, *Brock*, *Talbot*, *London*, *Huron*, and *Wellington* Districts, have expressed their great obligation for the information I afforded them, previous to their departure from *Great Britain* and *Ireland*.

On each occasion of my respective visits to *England*, during the years 1839, 1840, 1841, and 1842, I have met with publications, generally emanating from persons of slender and inaccurate information, occasionally stimulated by improper motives, and frequently having very extended circulation, calculated materially to injure the Province, retard its settlement, and deter the respectable yeomanry of the United Kingdom from cherishing favourable or correct impressions and opinions of it. In the years 1839 and 1840, I had the honour of carrying on a long correspondence with Lord *Cloncurry* on this subject, which excited great attention, had an extensive circulation, and which, His Lordship assured me, had been attended with the most beneficial results, in removing many prejudices which existed against *Canada*, equally in his own mind and that of many others. In the same year the late deeply lamented Sir *Robert Wilmot Horton*, Baronet, a most devoted friend to *Canada*, published also my correspondence with him on the subject of the colonization of *Canada*, which, recommended by his name and kind partiality, had extensive circulation also — led to the warm and zealous co-operation of many others, and gave a great impetus to Emigration to this Province. In 1840, a pamphlet was also published by Mr. *Thornton Leigh Hunt*, treating of two countries, neither of which he had seen, but contrasting in the most partial and unfavourable manner, *Canada* with *Australia*. I replied also to that pamphlet, and my reply was warmly approved of, and noticed by the different public Journals and Reviews. Shortly after my arrival in *England* this season, I found that Captain *Barclay*, who had made a most hurried

visit to *Hamilton* and *Toronto* last year, had, on his return to *Scotland*, written a work, advising all settlers to go to the *United States* in preference to *Canada*, representing this Province in the most unfaithful and unfavourable light. Copious extracts from his work were published in many of the leading Journals of *Great Britain*, producing a very powerful sensation. A gentleman, who had been in correspondence with me during the preceding year, and who had intended to have made very considerable purchases in the *Huron* District, abandoned that intention solely from the unfavourable bias he had imbibed from the perusal of Captain *Barclay's* work. This circumstance decided me at once to examine the pretensions and statements of that author, in a public letter which I addressed him, and a copy of which I forwarded to your Excellency; which letter, both in his own country, and generally throughout the United Kingdom, was read with the greatest avidity, and received, without an exception, the approbation of such portions of the public Press as noticed it.

I was earnestly pressed by the Reverend Dr. *McLeod*, of *St. Columba, Glasgow*, and the Reverend Dr. *Burns*, of *Paisley*, to visit *Scotland*, and confer with the members of the different Emigration Societies scattered throughout the country, and formed for the express purpose of mutually aiding each other by weekly savings, and the contributions of the affluent, in order that they might proceed to *Canada* in a more suitable manner than heretofore. Having personally seen the mischievous results of the improvident manner and utter want of due precaution and preparation in which many persons from *Scotland*, — equally from the Manufacturing Districts as from the Highlands, had proceeded to *Canada*, — I immediately complied with the request of those Reverend Gentlemen. A large number of persons, selected from the various Societies, met me at *Edinburgh, Glasgow*, and *Paisley*, and listened with great attention to my advice. I read to them various extracts from the able Report of Mr. *Buchanan*, on the Emigration of 1841; also, from other Agents in *Canada*; and from the Report of the Colonial Land and Emigration Commissioners, complaining of the refusal of the Scotch Emigrants to accept the first offers of employment made to them on their arrival and who, from such folly, frequently lost employment at the first and best part of the season, and were compelled to take it ultimately under far more disadvantageous circumstances. My advice to these people was widely disseminated by the public Press, one specimen of which I subjoin. — (Appendix A.)

The Scotch Landlords who were in correspondence with me — of whom I may particularly allude to the Earl of *Dunmore*, Lord *MacDonald*, and *Neil Malcolm*, Esquire, of *Pottaloch* — contributed most generously and usefully to the comfortable removal of their tenantry and people. The subject to which your Excellency particularly directed my attention — the shameful manner in which emigrant ships were crowded, the want of air, water, and food, frequently producing great suffering, disease and death — was occupying the attention of Her Majesty's Government on my arrival in *England*; and although I fear that there have been some dreadful cases of mismanagement and cruelty, even this season, yet it is a matter of great gratification, that the Colonial Passengers Act, now the law of the land, will effectually prevent these evils in future, and greatly restrain that indiscriminate emigration of the indigent and destitute, which every one must disown and denounce.

The correspondence with *William Valentine*, Esq., of *Belfast*, (marked 1, 2, 3,) respecting 1,500 poor persons who were desirous of being forwarded to *Canada* this season, I subjoin. I feel particularly rejoiced that I gave the advice I did, for although no person has ever been more ready to hail the arrival of the Irish Emigrant with more unfeigned delight than myself, or to bear more willing testimony to their general good conduct, deportment and industry, it is only the im-

tations direct from *Ireland* that I have encouraged, and I believe that from that class no disturbance has at any time proceeded, but that their conduct has been uniformly most creditable, as well in the settlement of the country as in its defence. In connection with my duties I have visited the Cities and Towns of *Edinburgh, Glasgow, Dublin, Belfast, Cork*; several places in the Counties of *Devonshire, Wiltshire, Somersetshire, Hampshire, Sussex, Suffolk, Cambridgeshire, Essex, Bedfordshire, Hertfordshire, Surry, Berkshire, Middlesex*; the Towns of *Aberdeen, Inverness, &c.*; where I have held public meetings, and conferred with parties anxious to obtain information of *Canada*. In all these places I have met with the cordial support, countenance, and approbation, of the nobility, gentry, clergy, and people.

Since May, 1839, I have entirely devoted myself to this cause. I have crossed the Atlantic since that period six several times; visited the greater portion of the United Kingdom; established Emigration Societies in many parts; maintaining during the whole time a most extensive correspondence; formed the North American Colonial Committee

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of the Colonial Society, expressly for promoting the interest of *Canada*, acting as its Honorary Secretary during the last three years; and at the request of the Agricultural Society of *England*, became the Corresponding Secretary to that important Society, on behalf of *Canada*.

I have received the approbation and thanks of Lords *Seaton* and *Sydenham*, and Sir *George Arthur*, for these exertions; together with those of the respective Districts of *London, Gore, Western, Brock, Home, Midland, Niagara, and Newcastle*; of the Cities of *Quebec, Montreal, and Toronto*; and of the Towns of *Hamilton, Kingston, Niagara, Brantford, Goderich, and Sherbrooke*.

Under these circumstances, I most respectfully request that your Excellency will bring my services and claims under the notice and consideration of the Legislature, in fulfilment of the purport of the letter addressed to me by Mr. *Murdoch*, 16th February, 1842, in order that should the Legislature deem the services I have performed of sufficient usefulness and importance to the Province, to warrant a continuance of them, that they may grant a compensation for the past, and make a suitable provision for the future.

I have the honour, &c.

(Signed)

Thomas Rolph.

His Excellency

Sir *Charles Bagot, G. C. B.*
&c. &c. &c.

APPENDIX A.

(*Emigration Gazette.*)

Emigration.

Dr. *Rolph* and Emigration. — In the speeches delivered by Dr. *Rolph* at *Glasgow* and *Paisley*, which we hope to publish in a future number at full length, we observe that he severely admonishes the people for quitting their native country, in the usual improvident manner, and for being equally improvident on their arrival in *Canada*. He read to them Mr. *Buchanan's* letter, and said that it had come to his own knowledge that persons who had been offered profitable employment immediately on their arrival in *Canada*, instead of availing themselves of it, had gone parading through the country at the Government expense, and after wasting the most precious portion of their time, the early summer months, husbanding their resources against the ensuing winter, had been compelled at length to take less wages than those first offered, and then charged the Government Officers with the fault of their own improvidence. Dr. *Rolph* told the meeting that the Government did not invite Emigrants to *Canada*, and that it was most preposterous in the Emigrants to expect that Government would assist those who refused to assist themselves; that it was their

duty, as it should be their pleasure, to work at the first place where work was offered, and that if they did not, they would certainly rue the consequences, and be the sufferers.

1.

Belfast, 6th Month 20, 1842.

Dear Sir,

After the long correspondence we have carried on respecting *Canada*, I am desirous of taking your advice on the propriety of *Belfast* forwarding 1500 poor persons to that Province this season.

A Public Meeting is convened by the Reverend Dr. *Cooke*, for the 28th, the Marquis of *Donegal* to preside ; when any advice or suggestion from you on this subject, will meet with due attention, and probably influence the meeting in their decision.

I am, &c.

(Signed,) _____

William Valentine.

Dr. Rolph,
Colonial Society, *London.*

2.

Copy.

Colonial Society, *St. James' Square,*
London, June 24th, 1842.

Dear Sir,

In conformity with your desire, I proceed to give you the information, which the 1500 intending Emigrants desirous of proceeding from *Belfast* to *Canada*, have requested you to obtain from me. As a general principle, the labouring classes who go to *Canada*, should leave as early in the season as possible ; the passage is usually much shorter, from the greater prevalence of Easterly winds, in the Spring months ; their labour is in greater demand ; they are better enabled to provide for the ensuing Winter ; and they acquire an early and perfect knowledge of the seasons, and their adaptation to the purposes of husbandry. — Had, however, the period of departure generally been a matter of indifference, it is one of the greatest possible consequence at the present period. A combination of circumstances during the existing season, renders it very desirable that such of the labouring classes who are destitute, should not proceed to *Canada* until the following Spring. A large number of persons heretofore engaged in the lumbering business on the shores of the *Ottawa* and the *St. Lawrence*, and in the adjoining Province of *New Brunswick*, have been thrown out of employment by the alteration in the Timber duties ; a vast number this season, have also quitted the *United States* to seek occupation in *Canada*. Now, although I do hope that the practical knowledge which these people have acquired in the forests, in their pursuits as lumbermen in *Canada*, and as labourers on the public works in the *United States*, will induce them to become settlers, and proceed to the clearing of the public domain, yet, I am still extremely apprehensive that numbers of them will be seeking that employment which has always hitherto been absorbed by the Emigrants who arrive from the United Kingdom.

As also, there has been a very large Emigration this year from all parts of the United Kingdom, I am very anxious not further to provoke or encourage it, least it might entail a heavy burden on the Province ; prove unsatisfactory to those who hoped to find profitable employment and a comfortable home therein ; and thus prove exceedingly detrimental to future Emigration.

Secondly, I strongly recommend that all Emigrants should be furnished with a small sum of money on landing at *Quebec* or *Montreal*,

as they may possibly have to proceed some distance up the country before obtaining employment.

Thirdly, I earnestly advise them to take the first employment afforded to them, as it is of vital consequence to their future welfare to commence husbanding their means immediately. Much foolish prejudice has hitherto existed against Eastern *Canada*, and the whole current of Emigration has been generally directed to the West. Without denying that the climate is more severe in the Eastern than in Western *Canada*, I am very far from thinking it more disagreeable, or less desirable, on that account. Its salubrity is unquestionable, the Seasons are decidedly more uniform, there is no interruption to the sleighing in the winter months, and that is most useful and beneficial to the settler; whilst decidedly the greater contiguity to market, and the higher price of all agricultural produce, renders the advantages between Eastern and Western *Canada* nearly equal to the industrious Emigrant. No persons have succeeded better in all British *America* than the Irish settlers in the immediate vicinity of *Quebec*; and there is not a more industrious, worthy, wholesome population, than the Anglo-American population throughout the Eastern Townships; no portion of the American Continent is better cleared than the lands bordering on the Rivers *Saint Lawrence* and *Richelieu*; this was entirely the work of the French po-

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pulation, and, I ask you, will the Irish people shrink from any work successfully performed by the French? The canals, the rail roads, the public roads, the aqueducts, the viaducts, the bridges, the harbours, the villages, the cities and towns, throughout *America*, have been principally the result of Irish industry; and a moment's reflection must convince any one of their ability to subjugate the forest, and reclaim the wilderness, fully as well as the French *habitant*; and I am quite persuaded from their more perfect knowledge of husbandry and agriculture, they would also cultivate the land with more diligence, neatness, and success. It is then, sir, a matter of great moment, indeed of the most vital importance, that they should take the first occupation offered on their arrival at *Quebec*, and have no difficulty of remaining or settling in Eastern *Canada*. The Government have given great assistance in forwarding destitute emigrants to the Western portions of the Province; but emigrants have no right to ask for or expect this aid, if profitable employment is afforded to them in Eastern *Canada*. It has come, not unfrequently, to my own knowledge, that emigrants who had neglected to avail themselves of the excellent advice and favourable opportunities afforded them by the zealous and indefatigable Emigrant Agent, *A. C. Buchanan*, Esquire, *Quebec*, after travelling about, losing the best portion of the season, were compelled to take less wages than what had been offered to them, and refused; and repented bitterly the folly of which they had been guilty. You are, sir, so thoroughly acquainted with all essentials relative to voyage, that it would be presumptuous in me to descant on that subject; but my advice to the labouring classes who propose to emigrate is, that they should quit the shores of the United Kingdom as early as possible in the spring; to take the first work that offers; to husband all their surplus wages to carry them through the ensuing winter; and, with these wise precautions, there is every reason to hope that a man, blessed with health, industriously following his occupation, strictly observing temperance, frugality, probity, and perseverance, will become a successful settler, and a valuable addition to the population of *Canada*. It is my intention again to visit *Ireland*, and it will afford me the greatest pleasure to communicate freely with every class of persons proposing to settle in *Canada*; for it is perfectly undeniable that the Irish population throughout British *North America* have proved hitherto amongst the most faithful, devoted, loyal, improving, and valuable subjects of the Queen in that hemisphere. If I have

not furnish you in detail with such information as you require, I would suggest that you would forward to me any interrogatories on this subject you may desire, for my answer.

I have the honour, &c.

(Signed) *Thomas Rolph.*

*William Valentine, Esquire,
Belfast.*

3.

Copy.

Belfast, 6th Month 28, 1842.

Dear Sir,

I duly received your admirable letter, dated 24th, which was this day read at a Public Meeting of the Town, most numerously attended, and convened for the purpose of taking into consideration the best means of affording relief to the destitute, by the Reverend Dr. *Cooke*, and was the means of deciding the Meeting to postpone the Emigration to the ensuing year.

The Letter will be published, with the proceedings of the Meeting, and it will give me much pleasure to furnish you with a few copies.

The Emigration Season is now over for the present, as the last Ship with Emigrants for *Quebec* sails hence to-morrow; and your journey to *Ireland*, which has especial reference to Emigration, I should respectfully suggest your deferring it till the ensuing Spring.

I am, &c.

(Signed,) *William Valentine.*

*Dr. Rolph,
Colonial Society, London.*

Ordered — That one hundred copies of the Message of His Excellency, the Governor General, upon the subject of the Loan proposed to be raised for the benefit of this Province, upon the guarantee of an Act of the Imperial Parliament, be printed in each of the English and French languages, for the use of the Members of this House.

On motion of the Honourable Mr. *Harrison*, seconded by the Honourable Mr. *Hincks*,

Loan.

Resolved — That this House will, on Monday next, resolve itself into a Committee of the whole House, to take into consideration the Message of His Excellency, the Governor General, upon the subject of the said Loan.

Report of Dr. Rolph.

Ordered — That two hundred and fifty copies of the Message of His Excellency, the Governor General, with Dr. *Rolph's* Report, be printed in each of the English and French languages, for the use of the Members of this House.

Rules Queen's Bench.

Ordered — That two hundred copies of the Rules and Regulations of the Court of Queen's Bench of *Upper Canada*, laid before the House on the twenty-third instant, be printed for the use of the Members of this House.

Duty upon Imports.

Mr. *Leslie*, from the Committee of Ways and Means, to consider the propriety of laying a duty upon imports of Foreign Wheat into the ports of the Province, with an instruction to the said Committee, reported, according to order, the Resolutions of the said Committee; which Resolutions were again read at the Clerk's table, and are as followeth :

Resolved — As the opinion of this Committee, that it is expedient, in order to encourage the agricultural interests of this Province, and facilitate the free admission of Canadian Wheat into the ports of the United Kingdom, to impose a duty on Foreign Wheat imported into this Province.

Resolved — As the opinion of this Committee, that the said duty be Three Shillings, Sterling, per Imperial quarter.

Resolved — As the opinion of this Committee, that in addition to the duty resolved to be imposed upon Foreign Wheat by the preceding Resolutions, a duty be imposed upon all other agricultural products, imported into this Province, from the *United States of America*.

Ordered — That the question of concurrence be now separately put upon the said Resolutions.⁸

The first of the said Resolutions being again read,

Mr. Black said, it was, yesterday, assumed by some, that Canada wheat would be admitted to the United Kingdom duty free; it was, by others, assumed that American wheat, after paying this Colonial duty, would be admitted into the United Kingdom duty free, as having acquired the property of Canada wheat. This could not be gathered from the despatch, and he would propose an amendment, to the first Resolution⁹.

(66)

Mr. Black moved, in amendment, seconded by the Honourable Mr. Neilson, that the following words be added to the said Resolution, and do make part thereof, "provided that such duty be levied only when Canadian Wheat shall be admitted into the ports of the United Kingdom, duty free, or at a merely nominal duty; and Foreign Wheat imported into *Canada*, and exported thence to the United Kingdom, shall be admitted on the same terms as if the produce of *Canada*."

Messrs. MacNab and **Dunlop** thought this a very beneficial proviso, as the despatch had not been explained sufficiently, to warrant a belief this would be thus contingent.¹⁰

(66)

The House divided on the motion of amendment and the names being called for, they were taken down as followeth :

YEAS.

Black, Burnet, Boulton, Chesley, Christie, Dunlop, Dunscomb, Forbes, Hale, Hamilton, Kimber, Leslie, D. McDonald, McLean, Neilson, Noel, Simpson, and Thompson. (18.)

(67)

NAYS.

Duty upon
Imports.

Armstrong, Barthe, Berthelot, Boswell, Boutillier, Cameron, Child, Cook, Daly, Delisle, Derbeshire, DeWitt, Dunn, Durand, Foster, Gilchrist, Harrison, Hincks, Hopkins, Jones, J. S. Macdonald, Merritt, Moore, Morris, Papineau, Parent, Parke, Quesnel, Roblin, Harmannus Smith, Steele, Taché, Taschereau, Turcotte, Turgeon, D. B. Viger, L. M. Viger, Watts, and Williams. (39.)

So it passed in the negative.

Mr. Viger explained — he regretted that the vote on the Journals would apparently place honorable members voting against a proposition to which they were really favourable; but he thought the honorable member for Quebec had taken a wrong course; he should have been satisfied with the declaration of the hon. gentlemen on the Treasury benches, who were responsible for their statements, of the intentions of the Imperial Government with respect to the proposition before the House.¹¹

(67)

The question being then put on the said first resolution, the House divided thereon, and the names being called for, they were taken down, as followeth :

YEAS.

Armstrong, Barthe, Berthelot, Boswell, Boutillier, Boulton, Cameron, Child, Cook, Daly, Delisle, Derbeshire, De Witt, Dunn, Dunscomb, Durand, Foster, Gilchrist, Hale, Harrison, Hincks, Hopkins, Jones, Kim-

DEBATES OF LEGISLATIVE ASSEMBLY

ber, Sir Allan N. MacNab, D. McDonald, J. S. Macdonald, Merritt, Moffatt, Moore, Morris, Papineau, Parent, Parke, Quesnel, Roblin, Harmannus Smith, Steele, Taché, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, L. M. Viger, Watts, Williams, Woods, and Yule. (49.)

NAYS.

Black, Burnet, Chesley, Christie, Dunlop, Forbes, Hamilton, Leslie, McLean, Neilson, Noel, Simpson, and Sherwood. (13.)

So it was carried in the affirmative.

The second of the said resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down, as in the last preceding division.

So it was carried in the affirmative.

The third, and last, of the said resolutions being again read,

Mr. Hamilton moved, in amendment, seconded by Mr. Simpson, that the following words be added to the said resolution, and do make part thereof, "provided always that agricultural produce imported "into the Inferior District of Gaspé for the use of the fisheries, be "exempted from any duty."

The objection was stated by some of the Hon. members to be the difficulty which would arise in distinguishing, but it was admitted that produce imported into Gaspé from the United States by sea for the use of the Fisheries should be exempt, as it was desirable to extend every practicable encouragement.¹²

(67)

The House divided on the motion of amendment and the names being called for, they were taken down, as followeth :

YEAS.

Barthe, Black, Boutilier, Burnet, Boulton, De Witt, Dunlop, Dunscomb, Hale, Hamilton, Kimber, D. McDonald, Moffatt, Neilson, Papineau, Simpson, Sherwood, and L. M. Viger. (18.)

NAYS.

Armstrong, Berthelot, Boswell, Cameron, Chesley, Child, Christie, Cook, Delisle, Dunn, Durand, Forbes, Foster, Gilchrist, Harrison, Hincks, Hopkins, Jones, Leslie, Sir Allan N. MacNab, J. S. Macdonald, McLean, Moore, Morris, Noel, Parent, Parke, Quesnel, Roblin, Harmannus Smith, Steele, Taché, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, Williams, and Woods. (39.)

So it passed in the negative.

The question being then put on the said third and last resolution, the House divided thereon, and the names being called for, they were taken down as followeth :

YEAS.

Armstrong, Boswell, Boutilier, Boulton, Cameron, Chesley, Child, Cook, Derbyshire, De Witt, Dunn, Dunscomb, Durand, Foster, Gilchrist, Hale, Harrison, Hincks, Hopkins, Jones, Kimber, Sir Allan N. MacNab, J. S. Macdonald, Moore, Morris, Parke, Roblin, Harmannus Smith, Sherwood, Steele, Taché, Taschereau, Thompson, Turcotte, Turgeon, Watts, Williams, Woods, and Yule. (39.)

NAYS.

Barthe, Berthelot, Black, Burnet, Christie, Delisle, Dunlop, Forbes, Hamilton, Leslie, D. Macdonald, McLean, Moffatt, Neilson, Noel, Papineau, Parent, Quesnel, Simpson, D. B. Viger, and L. M. Viger. (21.)

So it was carried in the affirmative, and,

Resolved — That this House doth concur with the Committee in the said resolutions.

Mr. Harrison moved for leave to bring in a bill, the house having passed the first and second resolutions. He would also beg leave to read the recitals of the bill and perhaps by so doing, he might convince Mr. Black that there was no necessity for the amendment made by him in the resolutions.¹³

The motion was seconded by **Mr. Hincks**¹⁴.

Sir Allan MacNab called for the reading of the Bill, and objected to the Bill being allowed a second reading, as it was not strictly in accordance with the resolutions adopted by the House, and called upon the Speaker to declare it out of order¹⁵.

The Speaker ((**Mr. Cuvillier**)) decided against him.¹⁶

(67)

Foreign Wheat,
duty bill.

Ordered — That the Honourable Mr. *Harrison* have leave to bring in a Bill, to impose a duty upon Foreign Wheat, imported into this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker four Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth :

Charles Bagot.

Engineer St.
Lawrence Canal.

The Governor General informs the House of Assembly, in reply to the Address which they have presented to him this morning, that no correspondence has taken place with the Colonial Secretary during the years 1841 and 1842, on the subject of the appointment of an Engineer to inspect, report on, or superintend the construction of the *St. Lawrence Canal*, specially, but that a correspondence has taken place on the subject of the appointment of an Engineer Officer, as Commissioner on the part of Her Majesty's Government, to superintend the execution of all the Public Works about to be undertaken by the Province, with the funds to be raised upon the guarantee of the Imperial Parliament.

His Excellency feels some scruple as to the propriety of communicating this correspondence to the House of Assembly, without the permission of the Secretary of State, but being desirous of furnishing the fullest information to the House, His Excellency lays before them herewith, extracts of the correspondence which has taken place upon the subject, trusting that the Secretary of State, will, upon being informed of the occasion, sanction the course he has adopted.

Government House,
Kingston, 30th September, 1842.

Extracts from correspondence between Her Majesty's Secretary of State for the Colonies, and His Excellency, the Governor-General, respecting the appointment of an Engineer Officer, as a Commissioner on the part of Her Majesty's Government, to superintend the Public Works about to be undertaken with the funds to be raised under the guarantee of the Imperial Parliament.

Extract from a Despatch from Lord *Stanley* to Sir *Charles Bagot*, dated 2nd April, 1842.

"It can hardly be doubted that works so extensive, and calculated to produce such important results, ought to be superintended by the best professional assistance which it is possible to obtain. Her Majesty's Government entertain no doubt of the anxious desire of the "of the Canadian Board of Works, to discharge with fidelity the

"arduous duties which will devolve upon them; but I can as little "doubt the anxiety which they must feel to have associated with them "in such a trust, the best professional assistance which it is in the "power of the Mother Country to furnish.

"It is therefore my intention, in anticipation of the acquiescence, "which I cannot for a moment doubt, of the Colonial Legislature in "the general arrangements suggested by Her Majesty's Government, to "send over an Officer of Engineers, whom, as Her Majesty's Commis- "sioner, I trust the Legislature will have no difficulty in associating with "the Board of Works, in the superintendence of the works to be under- "taken, and whose experience may probably enable the undertakings "to be conducted with the efficiency and economy which must be alike "the interest of the Colony and of this Country."

EXTRACTS from Despatch of His Excellency Sir *Charles Bagot*, to Lord *Stanley*, dated 28th April, 1842.

(68)

"I think it necessary to make some remarks on the appointment of "an Engineer Officer, as Commissioner on the part of Her Majesty's "Government, to superintend the execution of the works."

"Of course as Her Majesty's Government provide the funds with "which the Public Works are to be conducted, it is but reasonable "that they should have a share in the management of it, if so desired. "To such an appointment, Mr. *Killaly* would not, I am sure, object, but "it would be highly desirable that the person to be selected should be "a Civil and not a Military Engineer. The rules of the Military service "render Officers of the Royal Engineers responsible to their own "immediate superiors, and to no one else; they correspond only through "them, and receive their instructions in the same course; where em- "ployed on Civil Works, this system inevitably produces delay and "confusion and not unfrequently collisions of authority. In every ins- "tance, I believe, in which Civil and Military Engineers have been "placed on the same works in this Province, and the instances are not "unfrequent, these inconveniences have arisen. If, however, Your "Lordship would select a Civil Engineer to co-operate with the Board "of Works as Her Majesty's Commissioner, I do not apprehend that any "difficulty need exist, none, I am sure, would be made by Mr. *Killaly*.

"But I apprehend that the Legislature would view with some dislike "the appointment of a Military man, the rules of whose profession, "as they know from experience, would prevent them from requiring "from him that full information which they would at once obtain from "a Civilian."

EXTRACT from Despatch from Lord *Stanley* to His Excellency Sir *Charles Bagot*, dated 2nd July, 1842.

"In your Despatch of the 28th of April, you advert to the neces- "sity of appointing an Engineer Officer, as Commissioner on the part "of Her Majesty's Government to superintend the execution of the "Works which may be undertaken; and point out the reasons which "induce you to prefer a Civil to a Military Engineer."

"On this subject, I have only to observe, that if provision be made "by the Legislature for the payment of such an Officer, (which I "agree with you would be very desirable,) Her Majesty's Government "would have no preference for a Military over a Civil Engineer, nor "any wish on the subject, but to procure the services of the most com- "petent person who could be engaged for this purpose."

Charles Bagot.

The Governor General transmits for the information of the House of Assembly, copies of three Acts which have been passed by the Imperial Parliament, during the last Session, for amending the Laws for the importation of Corn into the United Kingdom; for the amendment

of the Laws for the regulation of the Trade of the British Possessions abroad; and for regulating the carrying of Passengers in Merchant Vessels.

Government House.

Kingston, 30th September, 1842.

Importation of
Corn.

3 Geo. IV.
ch. 60;

Recited Act
repealed.

Corn &c. may be
imported from
foreign Coun-
tries, and from
the British pos-
sessions out of
Europe, on pay-
ment of the duties
specified in the
table to this Act ;

3 & 4 Wm. IV.
chap. 56.

Repeal of
5 & 6 Wm. IV.
chap. 13, impo-
sing the same
duties on the
importation of
foreign Corn into
the Isle of Man
as into the
United Kingdom,
under 9 Geo. IV.
chap. 60;

Anno Quinto.
Victoriae Reginæ.

Sess. 2.

CAP. XIV.

An Act to amend the Laws for the Importation of Corn.

[29th April, 1842.]

WHEREAS an Act passed in the ninth year of the reign of His late Majesty King *George* the Fourth, intituled, "An Act to amend the "Laws relating to the Importation of Corn;" Whereas it is expedient that the said Act should be repealed, and that new provisions should be made in lieu thereof; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said Act shall be and the same is hereby repealed: Provided nevertheless, that all Acts, or parts of Acts, which by virtue of the above recited Act were repealed, shall be deemed and taken to be and remain repealed.

II. And whereas it is expedient that Corn, Grain, Meal, and Flour, the growth produce, and manufacture of any Foreign Country, or of any British Possession out of *Europe*, should be allowed to be imported into the United Kingdom for consumption, upon the payment of duties to be regulated from time to time according to the averaged price of British Corn, made up and published in manner hereinafter required; be it therefore enacted, That from and after the passing of this Act, there shall be levied and paid to Her Majesty, upon all Corn, Grain, Meal, or Flour, entered for Home consumption in the United Kingdom, from parts beyond the Seas, the several duties specified and set forth in the table annexed to this Act; and that the said duties shall be raised, levied, collected and paid in such and the same manner in all respects as the several duties of Customs mentioned and enumerated in the table of duties of Customs Inward, annexed to an Act passed in the Session of Parliament held in the third and fourth years of the reign of His late Majesty King *William* the Fourth, intituled, "An Act "for granting Duties of "Customs," hereinafter referred to as the Customs Duties Act, and by virtue and in pursuance of the several powers and provisions in that Act contained, and in the Acts amending the same, and not otherwise.

III. And whereas by an Act passed in the Session of Parliament held in the fifth and sixth years of His late Majesty King *William* the Fourth, intituled, "An Act to regulate the Importation of Corn into "the *Isle of Man*;" it was enacted, that it should not be lawful to import into the *Isle of Man* any Foreign Corn, Grain, Meal, or Flour, except upon payment of the same duties as were by the said recited Act of the ninth year of His late Majesty King *George* the Fourth, made payable on the importation into the United Kingdom of Corn, Grain, Meal, or Flour, which duties were, by the said Act now in recital, directed to be ascertained, levied, and paid, as therein is mentioned: And whereas it is expedient that the duties payable on Foreign Corn, Grain, Meal, or Flour, imported into the *Isle of Man*, should be the same as those payable on the importation of Foreign Corn, Grain, Meal, or Flour, into the United Kingdom, and that for this purpose the said recited Act for regulating the importation of Corn into the *Isle of Man*, should be repealed, and such provision should be made in that behalf as hereinafter is contained; be it therefore enacted, That the said recited Act, regulating the importation of Corn into the *Isle of Man*, shall be and the same is hereby repealed;

Foreign Corn imported into the Isle of Man to pay the same duties as are imposed by this Act on foreign Corn imported into the United Kingdom ;

3 & 4 Wm. IV.
chap. 60.

Actions &c. for breach of provisions of Acts hereby repealed, or for duties payable under them may be proceeded with.

Regulations to be observed on shipping Corn from any British possession out of Europe.

Prohibition of importation of Malt.

and that from and after the passing of this Act it shall not be lawful to import into the *Isle of Man* any Foreign Corn, Grain, Meal, or Flour, except upon payment of the same duties as are by this Act made payable upon Corn, Grain, Meal, or Flour, imported from any Foreign Country, and entered for Home consumption in the United Kingdom ; and such duties shall be levied, collected, and paid, in such and the same manner as if the same had been imposed by an Act passed in the Session of Parliament held in the third and fourth years of the reign of His late Majesty King *William* the Fourth, intituled, "An Act for regulating the Trade with the *Isle of Man*."

(69)

IV. Provided always, and be it enacted, That all actions, suits, and prosecutions, now depending or hereafter to be brought, for or by reason of any breach or non-performance of any of the provisions of the said Acts hereby repealed, or either of them, or for the recovery of any duties or sums of money payable under or by virtue of the same Acts, or either of them, shall and may be proceeded with as fully and effectually, to all intents and purposes, as if this present Act had not been made.

V. Provided always, and be it enacted, That no Corn, Grain, Meal, or Flour, shall be shipped from any Port in any British Possession out of *Europe*, as being the produce of any such Possession, until the owner, or proprietor, or shipper thereof shall have made and suscribed, before the Collector or other chief officer of Customs, at the Port of shipment, a declaration in writing, specifying the quantity of each sort of such Corn, Grain, Meal, or Flour, and that the same was the produce of some British Possession out of *Europe*, to be named in such declaration, nor until such owner, or proprietor, or shipper, shall have obtained from the Collector, or other chief officer of the Customs of the said Port, a certificate, under his signature, of the quantity of Corn, Grain, Meal, or Flour, so declared to be shipped ; and before any Corn, Grain, Meal, or Flour, shall be entered at any Port or place in the United Kingdom, as being the produce of any British Possession out of *Europe*, the Master of the ship importing the same shall produce and deliver to the Collector, or other chief officer of Customs, of the Port or place of importation, a copy of such declaration, certified to be a true and accurate copy thereof, under the hand of the Collector and other chief officer of Customs at the Port of shipment before whom the same was made, together with the certificate, signed by the said Collector or other chief officer of Customs, of the quantity of Corn so declared to be shipped ; and such Master shall also make and subscribe, before the Collector, or other chief officer of Customs, at the Port or place of importation, a declaration in writing, that the several quantities of Corn, Grain, Meal, or Flour, on board such ship, and proposed to be entered under the authority of such declaration, are the same that were mentioned and referred to in the declaration and certificate produced by him, without any admixture or addition ; and if any person shall, in any such declaration, wilfully and corruptly make any false statement respecting the place of which any such Corn, Grain, Meal, or Flour, was the Produce, or respecting the identity of any such Corn, Grain, Meal, or Flour, such person shall forfeit and become liable to pay to Her Majesty the sum of one hundred pounds, and the Corn, Grain, Meal, or Flour, to such person belonging, on board any such ship, shall also be forfeited ; and such forfeiture shall and may be sued for, prosecuted, recovered, and applied, in such and the same manner, in all respects, as any forfeiture incurred under and by virtue of the said Customs Duties Act.

VI. Provided always, and be it enacted, That it shall not be lawful to import from parts beyond the Seas into the United Kingdom, for consumption there, any Malt, or any Corn ground, except Wheat Meal, Wheat Flour, and Oat-Meal ; and that if any such articles, as aforesaid,

shall be imported contrary to this provision, the same shall be forfeited; and such forfeitures shall and may be sued for, prosecuted, recovered, and applied, in such and the same manner, in all respects, as any forfeiture incurred under and by virtue of the said Customs Duties Act.

VII. Provided always, and be it enacted, That the Commissioners of Her Majesty's Customs shall, once in each calendar month, cause to be published in the *London Gazette*, an account of the total quantity of each sort of Corn, Grain, Meal and Flour, respectively, which shall have been imported into the United Kingdom, and also an account of the total quantity of each sort of the Corn, Grain, Meal and Flour, respectively, upon which the duties of importation shall have been paid in the United Kingdom, during the calendar month next preceding, and of the several rates of duty which shall from time to time during such month, have been payable upon each sort of Corn, Grain, Meal and Flour, respectively, together with an account of the total quantity of each sort of the said Corn, Grain, Meal and Flour, respectively, remaining in warehouse at the end of such next preceding calendar month.

VIII. Provided always, and be it enacted, That it shall be made to appear to Her Majesty in Council, that any Foreign State or Power hath subjected British Vessels at any Port within the Dominions of such State or Power, to any other or higher duties, or charges whatever, than are levied on National Vessels at any such Ports, or hath subjected at any such Port, Goods the growth, produce or manufacture, of any of Her Majesty's Dominions, when imported from any of such Dominions in British Vessels, to any other or higher duties, or charges whatever, than are levied on such or the like goods, of whatever growth, produce or manufacture, when so imported in National Vessels, or hath subjected at any Port or place within the Dominions of such Foreign State or Power, any article of the growth, produce or manufacture, of Her Majesty's Dominions, when imported from any of such Dominions in British Vessels, or in National Vessels, to any duties or charges which would not be payable on the like article, being of the growth, produce or manufacture, of any other Country, and imported from such other Country in National Vessels; or that any such Foreign State or Power hath granted any bounties, drawbacks or allowances, upon the exportation from any Port or place within the Dominions thereof, of any articles the growth, produce or manufacture, of the Dominions of any other Foreign State or Power, which hath not also been granted upon the exportation from such Port or place of such or the like articles, being the growth, produce or manufacture, of Her Majesty's Dominions; then, in any of the cases aforesaid, it shall and may be lawful for Her Majesty, by any order or orders to be by her made, with the advice of Her Privy Council, to prohibit the importation of all or of any sort of Corn, Grain, Meal or Flour, from the Dominions of any such Foreign State or Power; and it shall also be lawful for Her Majesty, from time to time, with the advice of Her Privy Council, to revoke and to renew any such orders or order, as aforesaid, as there shall be occasion.

IX. And whereas it is necessary, for regulating the amount of such duties, that effectual provision should be made for ascertaining from time to time the average prices of British Corn; be it therefore enacted, That weekly returns of the purchases and sales of British Corn shall be made, collected and transmitted, in the manner hereinafter directed, in and from the cities and towns named in the Schedule of cities and towns annexed to this Act.

X. And be it enacted, That it shall be lawful for Her Majesty to appoint a fit and proper person to be Comptroller of Corn Returns, for the purposes hereinafter mentioned, to grant to such Comptroller of Corn Returns such salary and allowances as to Her Majesty shall seem meet: Provided always, that such person shall be appointed to and shall hold such his Office during Her Majesty's pleasure, and not

Accounts of Corn imported, of Corn upon which duty is paid, of the rates of duty, and of Corn in warehouse, to be published monthly.

If any foreign State shall subject British Vessels, Goods &c. to any higher duties or charges than are levied on the Vessels of other Countries &c.;

Her Majesty may prohibit the importation of Corn from such State.

Weekly Returns of purchases and sales of Corn to be made in the places herein mentioned.

Power of appointing a Comptroller of Corn Returns.

DEBATES OF LEGISLATIVE ASSEMBLY

Comptroller to execute his office in person ;

A Deputy may be appointed to act in certain cases.

Lord Mayor, &c. to appoint an Inspector of Corn Returns for the City of London.

Said Inspector to execute his office in person ;

A Deputy may be appointed to act in certain cases.

Chancellors of the Universities of Oxford and Cambridge to appoint and remove Inspectors of Corn Returns for the said City and Town.

otherwise, and shall at all times conform to and obey such lawful instructions touching the execution of the duties of such his Office as shall from time to time be given to him by the Lords of the Committee of Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations.

XI. And be it enacted, That the said Comptroller of Corn Returns shall at all times execute the duties of such his office, in person and not by Deputy ; but that it shall be lawful for Her Majesty to appoint a

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fit and proper person, who shall act as Deputy Comptroller of Corn Returns, in case of the sickness or other incapacity of the said Comptroller, or in case he the said Comptroller should, with the permission of the Lords of the said Committee of Privy Council, be absent from the duties of such his Office : and all and every the powers hereby vested in the said Comptroller of Corn Returns, and all and every the acts, matters and things, hereby directed to be done and performed by him, shall be vested in, and shall and may be done and performed by any such Deputy, as aforesaid, during the continuance of any such sickness, incapacity or absence, as aforesaid, of the said, Comptroller of Corn Returns ; and such Deputy shall hold such his Office during Her Majesty's pleasure, and not otherwise, and shall receive and be paid such salary and allowances as to Her Majesty shall seem meet.

XII. And be it enacted, That it shall be lawful for the Lord Mayor and Alderman of the city of *London*, at a Court to be holden for that purpose, and they, or the majority of them present at such Court, are hereby authorised and required, to nominate and appoint some fit and proper person to be Inspector of Corn Returns for the city of *London* ; and it shall be lawful for the said Lord Mayor and Aldermen, from time to time, as occasion may require, upon any misbehaviour or neglect of duty of any such Inspector, to remove him from such his Office, by any order to be by them made at a Court to be specially convened and holden for that purpose ; and upon the death, resignation, permanent incapacity, or removal of any such Inspector of Corn Returns, for the city of *London*, it shall be lawful for the said Lord Mayor and Aldermen, at a Court to be holden for that purpose, and they or a majority of them present at any such Court, are hereby authorised and required to nominate and appoint some fit and proper person to succeed to the said Office.

XIII. And be it enacted, That the said Inspector of Corn Returns for the city of *London*, shall at all times execute the duties of such his office in person, and not by Deputy ; but that in case of sickness or other temporary incapacity of the said Inspector, it shall be lawful for the said Lord Mayor and Aldermen of the city of *London*, to appoint some fit and proper person to act as the Deputy of the said Inspector, during the continuance of any such sickness or incapacity, as aforesaid, of that officer, and no longer ; and all and every the powers hereby vested in the said Inspector of Corn Returns for the city of *London*, and all and every the acts, matters, and things, hereby directed to be done and performed by him, shall and may be vested and be done and performed by any such Deputy, as aforesaid, during the continuance of such his appointment.

XIV. And whereas it is expedient that the Inspector of Corn Returns, for the city of *Oxford*, and the town of *Cambridge*, respectively, should, as heretofore, be appointed and removed by the Chancellors, Masters, and Scholars, of the respective Universities of *Oxford* and *Cambridge*, and should perform, as heretofore, the duties of their respective offices, and that the Chancellors, Masters, and Scholars, of the said respective Universities, should have power to suspend such Inspectors, respectively, as hereinafter is mentioned : Be it therefore enacted. That the Chancellors, Masters, and Scholars, of the Universities of *Ox-*

ford and *Cambridge*, respectively, shall, and they are hereby respectively authorised and required, to nominate and appoint some fit and proper person to be the Inspector of Corn Returns for the city of *Oxford* and the town of *Cambridge*, respectively: and it shall be lawful for the said Chancellors, Masters, and Scholars, respectively, from time to time, as occasion may require, upon any misbehaviour or neglect of duty of any such Inspector, or for any other good and sufficient cause to them respectively appearing, to remove or suspend any such Inspector from his office; and upon the death, resignation, removal, or suspension, of any such Inspector of Corn Returns for the city of *Oxford* or town of *Cambridge*, it shall be lawful for the said respective Chancellors, Masters, and Scholars, and they are hereby authorised and required, respectively, to nominate and appoint some fit and proper person to succeed to the said office, vacant by such death, resignation or removal, or to hold the same during the continuance of such suspension, (as the case may be.)

XV. And be it enacted, That no person shall be eligible, or shall be appointed to the office of Inspector, or Deputy Inspector, of Corn Returns for the city of *London*, or to the office of Inspector of Corn Returns for the city of *Oxford*, or the town of *Cambridge*, who, within six months next preceding the time of any such appointment, shall have been engaged in trade or business as a Miller, Malster, or Corn Factor, or who, during that period, shall, as a Merchant, Clerk, Agent, or otherwise, have bought Corn for sale, or for the sale of Meal, Flour, Malt, or Bread made or to be made thereof; and if any Inspector or Deputy Inspector of Corn Returns for the city of *London*, or any Inspector of Corn Returns for the city of *Oxford*, or the town of *Cambridge*, shall, during his continuance in such his office, engage in trade or business as a Miller, Malster, or Corn Factor, or shall, as a Merchant, Clerk, Agent, or otherwise, buy Corn for sale, or for the sale of Meal, Flour, Malt, or Bread made or to be made thereof, he shall, in manner aforesaid, be removed from such his office, and from and after the time of such removal shall become incapable of acting as Inspector of Corn Returns under this Act.

XVI. And be it enacted, That every nomination and appointment, so to be made as aforesaid, of any Inspector of Corn Returns for the city of *London*, or of any Inspector of Corn Returns for the city of *Oxford*, or the town of *Cambridge*, shall be enrolled at the next Sessions of the Peace to be holden in and for such city or town; and the said enrolment, or a copy thereof, certified under the hand of the Clerk of the Peace for the said city of *London*, or under the hand of the Town Clerk of the said city of *Oxford*, or of the Town Clerk of the said town of *Cambridge*, as the case may be, to be a true copy, shall, for all intents and purposes, be and be deemed and taken to be good and conclusive evidence of any such appointment as aforesaid having been duly made.

XVII. And be it enacted, That every person who shall carry on trade or business in the city of *London*, or within five miles from the Royal Exchange in the said city, as a Corn Factor, or as an Agent employed in the sale of British Corn, and every person who shall sell any British Corn within the present Corn Exchange in *Mark Lane* in the said city, or within any other building or place which now is or may hereafter be used within the city of *London*, or within five miles from the Royal Exchange in the said city, for such and the like purposes for which the said Corn Exchange in *Mark Lane* hath been and is used, shall, before he or they shall carry on such trade or business, or sell any Corn, in manner aforesaid, make and deliver to the Lord Mayor, or one of the Aldermen, of the city of *London*, a declaration, in the following words: (that is to say,) ‘

‘I, A. B. do declare, that the Returns to be by me made, conformably to an Act passed in the fifth year of the reign of Her Majesty Queen Victoria, intituled, [here set forth the title of this Act.] of the quantities and prices of British Corn which henceforth shall be by or for me sold or delivered, shall, to the best of my knowledge and

No person dealing in Corn, Flour or Malt, to be appointed Inspector or Deputy Inspector of Corn Returns for the Cities of London or Oxford or Town of Cambridge.

Appointments of Inspectors for London, Oxford and Cambridge, to be enrolled.

Dealers in Corn in and near London to deliver in a Declaration to the Lord Mayor, &c.

Form of Declaration.

' belief, contain the whole quantity, and no more, of the Corn *bonâ fide* ' sold and delivered by or for me within the periods to which such ' Returns, respectively, shall refer, with the prices of such Corn, and ' the names of the buyers, respectively, and of the persons for whom ' such Corn shall have been sold by me, respectively, and to the best

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' of my judgment the said Returns shall in all respects be conformable ' to the provisions of the said Act.'

Which declaration shall be in writing, and shall be subscribed with the hand of the persons so making the same; and the Lord Mayor or such Alderman, as aforesaid, of the city of *London*, for the time being, shall and he is hereby required to deliver a certificate thereof, under his hand, to the Inspector of Corn Returns for the city of *London*, to be by him registered in a Book to be by him provided and kept for that purpose.

XVIII. And be it enacted, That every such Corn Factor, and other person, as aforesaid, who is herein-before required to make, and who shall have made such declaration, as aforesaid, shall and he or she is hereby required to return, or cause to be returned, on Wednesday in each and every week, to the Inspector of Corn Returns for the City of *London*, an account in writing, signed with his or her own name, or the name of his or her Agent, duly authorised in that behalf, of the quantities of each respective sort of British Corn by him or her sold during the week ending on and including the next preceding Tuesday, with the prices thereof, and the amount of every parcel, with the total quantity and value of each sort of Corn, and by what measure or weight the same was sold, and the names of the buyers thereof, and of the persons for and on behalf of whom such Corn was sold; and it shall be lawful for any such Inspector of Corn Returns, to deliver to any person making or rendering any such Return, a notice in writing, requiring him or her to declare and set forth therein, where and by whom and in what manner any such British Corn was delivered to the purchaser or purchasers thereof; and every person to whom any such notice shall be so delivered, shall, and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return, or in a separate statement in writing, the several particulars aforesaid.

The present
Comptroller
Deputy Compt-
roller, and
Inspectors of
Corn Returns for
London, Oxford
and Cambridge,
to continue in
office.

XIX. And be it enacted, That the Comptroller and Deputy Comptroller of Corn Returns, and the Inspector of Corn Returns, for the City of *London*, the City of *Oxford*; and the Town of *Cambridge*, respectively, who at or immediately before the passing of this Act shall respectively hold such Offices or Appointments under and by virtue of the said recited Act, of the ninth year of the Reign of His late Majesty King *George* the Fourth, shall and they are hereby authorised and required, respectively, without further Appointment to hold and forthwith to act in such their Offices or Appointments under and by virtue of this present Act, and to discharge the several duties of and belonging to such their former Offices or Appointments, in such and the same manner, and as fully and effectually, to all intents and purposes, as if they had been respectively appointed to such their Offices or Appointments, as aforesaid, under and by virtue of this present Act; and each and every Inspector of Corn Returns for any City or Town, other than the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, who, at or immediately before the passing of this Act, shall hold such Office or Appointment under or by virtue of the said recited Act of the ninth year of the Reign of His late Majesty King *George* the Fourth, shall and they are hereby respectively authorised to continue to hold their respective Offices or Appointments until the Twenty-fourth day of *June* next after the passing of this Act, and are hereby authorised and required to perform the several duties herein-after assigned to them: Provided nevertheless, that, except so far as respects the Inspector of Corn Returns for the City of *London*, the City of

The appoint-
ments of the
other Inspectors
of Returns to
cease on the 24th
day of June next
after the passing
of this Act.

Oxford and the Town of *Cambridge*, and such other Inspectors of Corn Returns as shall be continued in Office by virtue of the Warrant of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, as herein-after is provided, the Office or Appointment of every Inspector of Corn Returns, who, at or immediately before the passing of this Act, shall hold such Office or Appointment, shall, on the said Twenty-fourth day of *June* next after the passing of this Act cease and determine.

In other Cities and Towns than London, Oxford and Cambridge, Officers of Excise to act as Corn Inspectors, and attend at places appointed.

XX. And be it enacted, That in the several Cities and Towns enumerated in the said Schedule hereunto annexed, except the City of *London*, the City of *Oxford* and the Town of *Cambridge*, and except the Cities or Towns in which the Inspectors of Corn Returns appointed under or by virtue of the said recited Act of the ninth year of the Reign of His late Majesty King *George* the Fourth, shall for the time being continue to hold their respective Offices under the provisions of this Act, the duties of the Inspector of Corn Returns shall be performed as herein-after is mentioned by the Officers of Excise, under the orders and directions of the Commissioners of Excise; and in order thereto, the Commissioners of Excise shall cause a fit and convenient place to be appointed, such place to be varied from time to time as the said Commissioners may see occasion, at which the Accounts by this Act required to be returned by persons purchasing Corn within such Cities and Towns, respectively, shall be delivered, and shall cause an Officer of Excise to attend at such place on the days on which such Accounts are required to be returned, for the purpose of receiving the same; and every Officer of Excise attending at such place and receiving such Returns shall be deemed and taken to be an Inspector of Corn Returns under the provisions of this Act.

Commissioners of Excise to make known the place to be appointed for delivering Returns of Corn purchased.

XXI. And be it enacted, That the Commissioners of Excise shall, as soon as such place for receiving such Returns shall have been fixed and appointed in any such City or Town as aforesaid, cause the same to be made known by advertisement in the *London Gazette*, and in some newspapers circulating within the City or Town, and shall also cause a Board to be affixed in the Market House, or, if there shall be no Market House, in some conspicuous place near to the place where the Corn Market is usually held in such City or Town, setting forth the place at which such Accounts of Corn brought within the City or Town are to be delivered; and any person who shall wilfully and maliciously remove, deface, obliterate, or injure any such Board, or the writing thereon, or any part thereof, shall, for each such his offence, forfeit and pay a sum not exceeding Five Pounds.

Inspectors of Corn Returns may continue to hold their offices by warrant of the Commissioners of the Treasury.

XXII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, by any Warrant or Warrants under the hands of them or any three or more of them, to be signed before the Twenty-fourth day of *June* next after the passing of this Act, to order and direct that the person who, at or immediately before the time of the passing of this Act, shall hold the Office of Inspector of Corn Returns in any City or Town named in such order, other than the City of *London*, the City of *Oxford*, and the Town of *Cambridge*, under or by virtue of the said recited Act of the ninth year of His late Majesty King *George* the Fourth, shall continue to hold such Office, and such person shall accordingly be Inspector of Corn Returns for such City or Town under this Act, until he shall die or resign, or until the determination of his Office or Appointment as hereinafter is mentioned, and shall, as respects the City or Town for which he is so continued as Inspector, perform under the orders and directions of the Commissioners of Excise, the duties assigned to him by this Act; and it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, by any Warrant under the hands of them or any three or more of them, to direct that, at any time to be named in such Warrant, the Office or Appointment of any

such Inspector of Corn Returns, so continued in Office by any such previous Warrant as aforesaid, shall cease and determine, and the

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Office or Appointment of such Inspector shall cease and determine accordingly; and in case of the death, resignation, or determination, of any such Inspector of Corn Returns, so continued in Office in any city or town by such previous Warrant, as aforesaid, the duties of Inspector of Corn Returns for such City or Town shall thenceforth be performed by the Officers of Excise, as herein before is mentioned.

Dealers in Corn
in Cities and
Towns to make
Declaration.

XXIII. And be it enacted, That every person who shall deal in British Corn at or within any city or town named in the said Schedule hereunto annexed, other than the city of *London*, or who shall, at or within any such city or town, engage in or carry on the trade or business of a Corn Factor, Miller, Malster, Brewer, or Distiller, or who shall be the owner or proprietor, or part owner or proprietor, of any Stage Coaches, Wagons, Carts, or other Carriages, carrying goods or passengers for hire and from any such city or town, and each and every person who, as a Merchant, Clerk, Agent, or otherwise, shall purchase at any such city or town any British Corn for sale, or for the sale of Meal, Flour, or Malt, or Bread made or to be made thereof, shall, before he or she so deal in British Corn at any such city or town, or shall engage in or carry on any such trade or business, as aforesaid, or shall purchase any British Corn for any such purchase, as aforesaid, at or within any such city or town, make and deliver, in manner hereinafter mentioned, a declaration in the following words: (that is to say,) .

Form of
Declaration.

'I, A. B., do declare, that the Returns to be by me made, conformably to the Act passed in the fifth year of the reign of Her 'Majesty Queen *Victoria*, intituled, [here set forth the title of this 'Act,] of the quantities and prices of British Corn which henceforward 'shall by or for me be bought, shall, to the best of my knowledge and 'belief, contain the whole quantity, and no more, of the British Corn 'bonâ fide' bought for or by me within the periods to which such returns, 'respectively, shall refer, with the prices of such Corn, and the names 'of the sellers, respectively, and to the best of my judgment the said 'Returns shall in all respects be conformable to the provisions of the 'said Act.'

Declaration to
be delivered to
the Mayor, &c.
who shall give a
certificate thereof
to the Officer of
Excise, acting
as Inspector of
Corn Returns.

Which declaration shall be in writing, and shall be subscribed with the hand of the person so making the same, and shall by him or her, or by his or her Agent, be delivered to the Mayor or chief Magistrate, or to some Justice of the Peace, for such city or town, or for the county, riding, or division, in which the same is situate, who are hereby required to deliver a certificate thereof to the Officer of Excise acting as Inspector of Corn Returns for such city or town, as aforesaid, or to such continuing Inspector of Corn Returns, aforesaid, for such city or town, (as the case may be,) to be by such Officer or Inspector registered in a book to be by him provided and kept for that purpose.

Inspectors of
Corn Returns
empowered to
require such
declaration from
Corn Dealers.

XXIV. And be it enacted, That it shall be lawful for the Inspectors of Corn Returns for the City of *London*, the City of *Oxford*, and the town of *Cambridge*, respectively, and for any Officer of Excise acting as Inspector of Corn Returns in any such other city or town, as aforesaid, or for any continuing Inspector of Corn Returns in any such other city or town, as aforesaid, to serve upon and deliver to any person buying or selling Corn in any such city or town, and who is not within the terms and meaning of this present Act specially required to make any such declaration, as aforesaid, a notice in writing, under the hand of such Inspector or Officer, requiring him to make such declaration, as aforesaid; and every such person upon whom such notice shall be served, as aforesaid, shall and he is hereby required to comply with such notice, and to make such declaration, in such and the same manner,

in all respects, as if he or she had been specially required to make the same by the express provisions of this present Act.

XXV. And be it enacted, That all persons who are hereinbefore required to make, and who shall have made such declaration, as aforesaid, shall, and they are hereby required, on the first market day which shall be holden in each and every week within each and every city or town named in the said Schedule hereunto annexed, except the city of *London*, at or within which they shall, respectively, deal in Corn, or engage in or carry on any such trade or business, as aforesaid, or purchase any Corn for any such purpose, as aforesaid, to Return, or cause to be Returned to the Officer of Excise acting as Inspector of Corn Returns for such city or town, at the place appointed for receiving such Returns, or to the continuing Inspector of Corn Returns for such city or town, or to the Inspector of Corn Returns for the city of *Oxford*, or the town of *Cambridge*, (as the case may be,) an account in writing, signed with their names, respectively, of the amount of each and every parcel of each respective sort of British Corn so by them, respectively, bought during the week ending on and including the day next preceding such first market day, as aforesaid, with the price thereof, and by what weight or measure the same was so bought by them, with the names of the sellers of each of the said parcels, respectively, with the names of the person or persons, if any, other than the person making such Return for or on account of whom the same was so bought and sold ; and it shall be lawful for any such Officer of Excise acting as Inspector of Corn Returns, or any such continuing Inspector of Corn Returns, as aforesaid, to deliver to any person making or tendering any such Return a notice in writing requiring him or her to declare and set forth where and by whom, and in what manner any such British Corn was delivered to him or her ; and every person to whom any such notice shall be so delivered, shall, and he or she is hereby required to comply therewith, and to declare and set forth in such his or her Return, or in a separate statement, in writing, the several particulars aforesaid.

XXVI. And be it enacted, That the Inspector of Corn Returns for the city of *London*, the city of *Oxford*, and the town of *Cambridge*, and every Officer of Excise acting as Inspector of Corn Returns for the several other cities and towns, aforesaid, and every such continuing Inspector of Corn Returns for any of such other cities or towns, as aforesaid, shall duly and regularly enter in a book, to be by him provided and kept for that purpose, the several accounts of the quantities and prices of Corn returned to him by such persons, respectively, as aforesaid, and every such Inspector of Corn Returns for the city of *London*, the city of *Oxford*, and the town of *Cambridge*, and every Officer of Excise acting as Inspector of Corn Returns, and every such continuing Inspector of Corn Returns, as aforesaid, for any of the several other cities and towns enumerated in the said Schedule, shall, in each and every week, return to the Comptroller of Corn Returns, an account of the weekly quantities and prices of the several sorts of British Corn sold in the city of *London*, or in the city or town for which he shall be or act as Inspector, according to the Returns so made to him, as aforesaid, and in such form as shall be from time to time prescribed and directed by the said Comptroller of Corn Returns ; and the said Returns shall be so made to the said Comptroller by the Inspector of Corn Returns for the city of *London*, on Friday in each week, and by the respective Inspectors of Corn Returns for the city of *Oxford*, and the town of *Cambridge*, and by the respective Officers of Excise acting as Inspectors of Corn Returns, and by the respective continuing Inspectors of Corn Returns, for the several other cities and towns, aforesaid, within three days next after the first market day holden in each and every week in any such city or town.

XXVII. And be it enacted, That no Inspector of Corn Returns in the city of *London*, the city of *Oxford*, or the town of *Cambridge*, nor

Corn Dealers to
make Returns in
writing to Inspec-
tors, of the Corn
bought by them.

Inspectors to
enter Returns
made to them
in a book, and
transmit to the
Comptroller
weekly, an ac-
count of the
quantities and
prices of Corn
sold.

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Inspectors not to include Returns until they have ascertained that the persons making them have taken the declaration required.

Average price to be made up and published every week.

Certificate of averages to be transmitted to the chief Officers of Customs.

Rate and amount of duties, how to be regulated.

How quantities of Corn are to be computed.

any Officer of Excise acting as Inspector of Corn Returns in any other of the cities or towns, aforesaid, nor any such continuing Inspector of Corn Returns in any of such other cities or towns, as aforesaid, shall include in the Returns so to be made by them, as aforesaid, to the Comptroller of Corn Returns, any account of sales or purchases of Corn, unless such Inspector or Officer shall have received satisfactory proof that the person tendering such account hath made the declaration herein-before required, and hath delivered the same to the Lord Mayor or an Alderman of the city of *London*, Mayor or Chief Magistrate, or to some Justice of the Peace of the city or town for which such Officer or Inspector shall be acting as Inspector of Corn Returns, or to some Justice of the Peace for the county, riding or division, in which such city or town is situate, or that such person hath previously to the passing of this Act made and duly delivered the declaration required of him by the said recited Act of the ninth year of the Reign of His late Majesty King *George* the Fourth.

XXVIII. And be it enacted, That the average prices of all British Corn, by which the rate and amount of the said duties shall be regulated, shall be made up and computed on Thursday in each and every week, in manner following; (that is to say,) the said Comptroller of Corn Returns shall, on such Thursday in each week, from such Returns as shall be received by him during the week next preceding, ending on and including the Saturday in such preceding week, add together the total quantities of each sort of British Corn, respectively, appearing by such Returns to have been sold, and the total prices for which the same shall thereby appear to have been sold, and shall divide the amount of such total prices, respectively, by the amount of such total quantities of each sort of British Corn, respectively, and the sum produced thereby shall be added to the sums in like manner produced in the five weeks immediately preceding the same, and the amount of such sums, so added, shall be divided by six, and the sum thereby given shall be deemed and taken to be the aggregate average price of each sort of British Corn, respectively, for the purpose of regulating and ascertaining the rate and amount of the said duties; and the said Comptroller of Corn Returns shall cause such aggregate weekly averages to be published in the next succeeding Gazette, and shall on Thursday in each week, transmit a certificate of such aggregate average prices of each sort of British Corn to the Collector or other Chief Officer of the Customs, at each of the several Ports of the United Kingdom, and to the Collector or other Chief Officer of Customs, at the Port of *Douglas*, in the *Isle of Man*; and the rate and amount of the duties to be paid under the provisions of this Act shall from time to time be regulated and governed, at each of the Ports of the United Kingdom, respectively, by the aggregate average prices of British Corn at the time of the entry for Home consumption of any Corn, Grain, Meal or Flour, chargeable with any such duty, as such aggregate average prices shall appear and be stated in the last of such certificates, as aforesaid, which shall have been received as aforesaid by the Collector or other Chief Officer of Customs, at such Port; and the rate and amount of the duties to be paid under the provisions of this Act, shall from time to time be regulated and governed, in the *Isle of Man*, by the aggregate average prices of British Corn at the time of the importation into the *Isle of Man*, of any Corn, Grain, Meal or Flour, chargeable with any such duty, as such aggregate average prices shall appear and be stated in the last of such certificates, as aforesaid, which shall have been received, as aforesaid, by the Collector or other Chief Officer of Customs at the Port of *Douglas*.

XXIX. Provided always, and be it enacted, That in the Returns, so to be made as aforesaid, to the Comptroller of Corn Returns, and in the publication, so to be made from time to time in the *London Gazette*, and in the certificate, so to be transmitted by the said Comptroller of Corn Returns to such Collectors or other Chief Officers of the

5 Geo. IV. c. 74.

6 Geo. IV. c. 12.

5 & 6 Will. IV.
c. 63.

Until sufficient
number of Re-
turns are made,
Comptroller may
use the present
averages.

What shall be
deemed British
Corn.

If any Corn Re-
turn is believed
fraudulent, the
same may be
omitted in the
computation.

Corn Dealers
having made the
declaration pre-
vious to this Act
shall transmit
Returns, and
comply with the
rules hereby
required.

Customs, as aforesaid, the quantities of each sort of British Corn, respectively, shall be computed and set forth by, according, and with reference to the Imperial Standard Gallon, as the same is declared and established by a certain Act passed in the fifth year of His late Majesty King *George* the Fourth, intituled, "An Act for ascertaining and establishing uniformity of Weights and Measures," as the said Act is amended or altered by a certain other Act passed in the sixth year of His late Majesty King *George* the Fourth, intituled, "An Act to prolong the time of the commencement of an Act of the last Session of Parliament, for ascertaining and establishing uniformity of Weights and Measures, and to amend the said Act," and by a certain other Act, passed in the Session of Parliament held in the fifth and sixth years of the reign of His late Majesty King *William* the Fourth, intituled, "An Act to repeal an Act of the fourth and fifth year of His present Majesty, relating to Weights and Measures, and to make other provisions instead thereof."

XXX. Provided always, and be it enacted, That until a sufficient number of Weekly Returns shall have been received by the said Comptroller of Corn Returns, under this Act to afford such aggregate average prices of British Corn, as aforesaid, the weekly average prices of British Corn published by him immediately before the passing of this Act, shall by him be used and referred to in making such calculations, as aforesaid, in such and the same manner as if the same had been made up and taken under and in pursuance of this Act.

XXXI. Provided always, and be it enacted, That all Corn, or Grain the produce of the United Kingdom, shall be deemed and taken to be British Corn for the purposes of this Act.

XXXII. Provided always, and be it enacted, That if the said Comptroller of Corn Returns shall at any time see cause to believe that any Return made to the Inspector of Corn Returns for the city of *London*, the city of *Oxford*, or the town of *Cambridge*, or to any Officer of Excise acting as Inspector of Corn Returns, or any such continuing Inspector, as aforesaid, for any other city or town, as aforesaid, is fraudulent or untrue, the said Comptroller shall, and he is hereby required with all convenient expedition, to lay before the Lords of the said Committee of Privy Council, a statement of the grounds of such his belief; and if, upon consideration of any such statement, the said Lords of the said Committee shall direct the said Comptroller to omit any such Return in the computation of such aggregate weekly average price, as aforesaid, then and in that case, but not otherwise, the said Comptroller of Corn Returns shall be, and he is hereby authorised, to omit any such Return in the computation of such aggregate weekly average price.

XXXIII. And be it enacted, That any Corn Factor, Dealer, or other person, who, at or previously to the time when this present Act shall come into operation shall have made the declaration required of him in and by the said Act, so passed, as aforesaid, in the ninth year of the Reign of His late Majesty King *George* the Fourth, shall, and he or she, is hereby required forthwith to make all such Returns to the Inspectors for the city of *London*, the city of *Oxford*, and the town of *Cambridge*, and to the respective Officers of Excise acting as Inspectors of Corn Returns in the several other cities and towns aforesaid, or to such continuing Inspector of Corn Returns, as aforesaid, in any

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such other cities or towns (as the case may be,) and to perform and do all such acts, matters and things, and to comply with and observe all such rules and regulations, as are hereby required or directed of or in regard to persons who have made any declaration required of them in and by the present Act, although he or she may not have actually made such last mentioned declaration.

Comptroller to issue directions respecting inspection of books of Inspectors.

Inspectors to permit books to be perused without such directions.

Copy of the last returns to be affixed on market place, on each market day.

Treasury to fix salaries of Inspectors.

Regulation as to payment of salaries.

XXXIV. And be it enacted, That the Comptroller of Corn Returns shall, and he is hereby authorised, from time to time, in pursuance of any Instructions which he shall receive in that behalf from the Lords of the said Committee of Privy Council, to issue to the Inspectors of Corn Returns for the city of *London*, the city of *Oxford*, and the town of *Cambridge*, respectively, any general or special directions respecting the inspection by any person or persons of the books so directed, as aforesaid, to be kept by such Inspector of Corn Returns; and no such Inspector for the city of *London*, the city of *Oxford*, or the town of *Cambridge*, shall permit or suffer any person to inspect any such book, or to peruse or transcribe any entry therein, except in compliance with some such general or special directions from the said Comptroller of Corn Returns.

XXXV. And be it enacted, That the Inspectors of Corn Returns for the city of *Oxford*, and the town of *Cambridge*, respectively, and each and every Officer of Excise acting as Inspector of Corn Returns, and each and every such continuing Inspector of Corn Returns, as aforesaid, for any city or town other than the city of *London*, shall, and he is hereby required, on each and every market day, to put up, or cause to be put up, in the market place of the city or town for which he shall act as Inspector, or if there shall be no market place in such city or town, then in some other conspicuous place therein near to where the Corn market is usually held, a copy of the last Return made by him to the Comptroller of Corn Returns, omitting the names of the parties who may have sold and bought the said Corn; and every such Officer or Inspector shall also again put up such account on the market day immediately following that on which it shall first have been put up, in case the same shall, from accident or any other cause, have been removed, and shall take due care that the same shall remain up for public inspection until a new account for the ensuing week shall have been prepared and set up.

XXXVI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, by any warrant or warrants to be for that purpose from time to time made and issued, to settle and allow such reasonable and moderate salaries as shall be paid and payable to the said Inspectors of Corn Returns for the city of *London*, the city of *Oxford*, and the town of *Cambridge*, respectively, and to such continuing Inspectors of Corn Returns, as aforesaid, for and in consideration of the duties so to be performed by them: Provided always, that the salary so to be allowed to the Inspector of Corn Returns for the city of *London*, shall not in any one year exceed the sum of three hundred pounds; in consideration of which salary he shall and is hereby required to keep and maintain a proper and convenient apartment or place of business at or near to the said Corn Exchange, in *Mark Lane*, for transacting the duties of such his office, and to defray all incidental charges and expenses of and attendant upon such his office: Provided also, that the salary to be granted to the Inspector of Corn Returns for the city of *Oxford*, and the town of *Cambridge*, respectively, and to any such continuing Inspector of Corn Returns, as aforesaid, for any other of the cities or towns, aforesaid, shall not exceed fifty pounds in any one year for such Inspector, or a proportionate sum for any period less than a year.

XXXVII. And be it enacted, That the salary, aforesaid, allowed to the Inspector of Corn Returns for the said city of *London*, shall be paid quarterly, by the Receiver-General of the Customs or of the Excise in or for the city of *London*; and the salaries which shall be allowed to the Inspectors of Corn Returns for the city of *Oxford*, and the town of *Cambridge*, respectively, or to any such continuing Inspectors of Corn Returns, as aforesaid, for any city or town other than the city of *London*, shall, as regards those persons whose offices or appointments are hereby continued until the said twenty-fourth day of June next after the passing of this Act, and are then to cease, be paid to

them up to that day ; and as regards the Inspectors of Corn Returns for the city of *Oxford*, and the town of *Cambridge*, respectively, and those persons who shall be continued in office after the said twenty-fourth day of June, by virtue of the warrant of the Commissioners of Her Majesty's Treasury, as hereinbefore is mentioned, shall be paid quarterly ; and such salaries shall be paid by the Collectors or other chief Officers of the Customs or Excise in or for the cities or towns for which such continuing Inspectors, as aforesaid, shall be respectively acting ; provided that no such payment of salary shall be made either to the Inspector of the Corn Returns for the city of *London*, or to any such continuing Inspector of Corn Returns, as aforesaid, unless the Inspector of Corn Returns claiming the same shall first produce and deliver to the Receiver-General, or Collector of the Customs or Excise by whom the same is to be paid, a certificate under the hand of the Comptroller of Corn Returns, certifying that such Inspector hath duly made the Returns required of him by this present Act, during the period in respect of which any such payment is to be made ; and which certificate such Comptroller is hereby required, on the application of any such Inspector, as aforesaid, to grant, unless any such Inspector shall, without good and sufficient cause, have neglected or omitted to make such Returns, as aforesaid, or some of them. Provided also, that if the duties of the said office of Inspector of Corn Returns for the city of *London*, shall, during any such quarter of a year, as aforesaid, have been discharged wholly, or in part, by Deputy, the Comptroller of Corn Returns, shall, in such certificate, as aforesaid, specify the length of time during which such Deputy hath so acted, and the whole, or a proportionate part, as the case may be, of any such quarterly payment shall in that case be paid to the said Deputy.

Power to the
Lords of the
Treasury to
grant compensa-
tion to Inspec-
tors of corn
returns.

XXXVIII. And whereas, the persons who, at the time of the passing of this Act, respectively, hold the offices or appointments of Inspectors of Corn Returns, in any of the cities or towns, aforesaid, other than the city of *London*, the city of *Oxford*, and the town of *Cambridge*, will, by reason of the determination of their respective offices and appointments, under the provisions of this Act, cease to receive the salaries attached thereto, and it may be reasonable and fit that compensation should be made to such persons ; be it therefore enacted, That it shall be lawful for any three or more of the Commissioners of Her Majesty's Treasury, for the time being, by warrant under their hands, to order and direct that such annual compensation or allowance, not exceeding in any case the annual salary of the office in respect of which such compensation or allowance is granted, as to them, in their discretion, shall seem just and reasonable, having due regard to the length of service and conduct of the parties, shall be made to the several persons, who, at or immediately before the time of the passing of this Act, shall, respectively, hold offices or appointments of Inspectors of Corn Returns, for any of the cities or towns, aforesaid, other than the city of *London*, the city of *Oxford*, and the town of *Cambridge*, for any loss of salary attached to such offices or appointments which they may, respectively, sustain by reason of the determination of their respective offices or appointments by the provisions of this Act, and such compensation or allowance shall be

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issued and paid to the party to whom such compensation shall be made, at such times, and in such manner, as in such warrant shall be directed by the Collector or the Chief Officer of the Customs, or of the Excise, in or for the city or town for which such party shall hold the office of Inspector of Corn Returns at the time of the passing of this Act : Provided always, that an account of such compensation shall, within fourteen days next after the same shall have been so granted, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall then not be

assembled, then within fourteen days after the meeting of Parliament next following.

Penalty on Corn Dealers for not making declarations or returns.

XXXIX. And be it enacted, That if any person, who is hereby required to make and deliver such declaration or declarations, herein-before particularly mentioned and set forth, or either of them, shall not make and deliver such declaration or declarations, at the time, and in the form and manner, and to the person or persons herein-before directed and prescribed in that behalf, every person so offending shall forfeit and pay a sum not exceeding twenty pounds, for each and every calendar month during which he shall neglect or delay to make and deliver any such declaration ; and if any person, who is herein-before required to make any Return to the Inspector of Corn Returns for the city of *London*, of the city of *Oxford*, or the town of *Cambridge*, or to any Officer of Excise acting as Inspector, as aforesaid, or to any such continuing Inspector of Corn Returns, as aforesaid, shall not make such Returns to such Inspector or Officer at the time, and in the form and manner herein-before directed and prescribed, every such offender shall, for such his offence, forfeit and pay a sum not exceeding twenty pounds.

Recovery and application of penalties.

XL. And be it enacted, That all and every the penalties aforesaid shall and may be prosecuted, sued for, and recovered, by and to the use of any person who will sue for the same before any two Justices of the Peace acting in and for the city, town, county, riding or division, within which the offence shall have been committed ; and upon conviction of any such offender, before any such Justices of the Peace, either by the confession of the party offending, or by the oath of any credible witness or witnesses, (which oath such Justices are hereby authorised to administer,) the amount of such penalties and forfeitures shall be levied, together with the costs attending the information and conviction, to be assessed and allowed by such Justices, by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hands and seals of such Justices (which warrant such Justices are hereby empowered and required to grant) ; and the overplus if any,) after such penalties, forfeitures and fines, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels ; and in case such fines, penalties and forfeitures, shall not be forthwith paid upon conviction, then it shall be lawful for such Justices to order the offender or offenders, so convicted, to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security to the satisfaction of such Justices, for his or their appearance before such Justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security to the said Justices are hereby empowered to take by way or recognizance or otherwise ; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such Justices of the Peace, as aforesaid, and they are hereby authorised and required, by warrant or warrants under their hands and seals, to cause such offender or offenders to be committed to the common Gaol or House of Correction of the city, town, county, riding or division, where the offender shall be or reside, there to remain without bail or mainprize, for any term not exceeding three calendar months, unless such penalties, forfeitures and fines, and all reasonable charges attending the same, shall be sooner paid and satisfied.

Penalty on witnesses not attending when required.

XLI. And be it enacted, That if any person who shall be summoned as a witness to give evidence before any Justices of the Peace, touching any matter of fact contained in any information or complaint for any offence against this Act, either on the part of the prosecutor or of the person or persons accused, shall, after a reasonable sum of money for his or her charges and expenses shall have been paid or been tendered to

him, or her, refuse or neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for his, her or their neglect, or appearing shall refuse to be examined on oath and give evidence before such Justices of the Peace, then, in either of such cases, such person shall forfeit for every such offence any sum not exceeding Ten Pounds, to be recovered in the manner herein-before provided for the recovery of the several penalties, aforesaid.

Punishment for making false returns.

XLII. And be it enacted, That if any person shall make any false and fraudulent statement in any such Return as he is herein-before directed and required to make, or shall falsely and wilfully include, or procure or cause to be included, in any such Return, any British Corn which was not truly and *bonâ fide* sold or bought to, by, or on behalf of the person or persons in any such Return mentioned in that behalf, in the quantity and for the price therein stated and set forth, every such offender shall be and be deemed guilty of a misdemeanor.

Act not to affect practice of measuring, or privileges of the city of London.

XLIII. And be it enacted, That nothing in this Act contained shall extend to alter the present practice of measuring Corn or any of the articles aforesaid, to be shipped from or to be landed in the Port of *London*, but that the same shall be measured by the sworn Meters appointed for that purpose, by whose certificate the Searchers, or other proper Officers of Her Majesty's Customs, are hereby empowered and required to certify the quantity of Corn, or other articles, as aforesaid, so shipped or landed; and that nothing in this Act contained shall extend to lessen or take away the rights and privileges of, or the Tolls or Duties due and payable to the Mayor and Commonalty and Citizens of the city of *London*, or to the Mayor of the said city, for the time being, or to take away the privileges of any persons lawfully deriving title from or under them.

Limitation of actions.

XLIV. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing by him, her or them, done by virtue or in pursuance of this Act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs, shall discontinue his, her or their action or actions, or be non-suited, or judgment shall be given against him, her or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs.

Act may be amended or repealed.

XLV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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TABLE OF DUTIES to which this Act refers. If imported from any FOREIGN COUNTRY :

WHEAT —

— Whenever the average price of Wheat, made up and published in the manner required by Law, shall be for every quarter,

	£ S. D.
— Under 51s. the duty shall be for every quarter	1 0 0
— 51s. and under 52s. "	0 19 0
— 52s. and under 55s. "	0 18 0
— 55s. and under 56s. "	0 17 0
— 56s. and under 57s. "	0 16 0
— 57s. and under 58s. "	0 15 0
— 58s. and under 59s. "	0 14 0
— 59s. and under 60s. "	0 13 0
— 60s. and under 61s. "	0 12 0
— 61s. and under 62s. "	0 11 0

DEBATES OF LEGISLATIVE ASSEMBLY

— 62s. and under 63s.	“	.....	0	10	0
— 63s. and under 64s.	“	.....	0	9	0
— 64s. and under 65s.	“	.....	0	8	0
— 65s. and under 66s.	“	.....	0	7	0
— 66s. and under 69s.	“	.....	0	6	0
— 69s. and under 70s.	“	.....	0	5	0
— 70s. and under 71s.	“	.....	0	4	0
— 71s. and under 72s.	“	.....	0	3	0
— 72s. and under 73s.	“	.....	0	2	0
— 73s and upwards	“	.....	0	1	0

BARLEY —

— Whenever the average price of Barley, made up and published in the manner required by Law, shall be for every quarter,

		£ S. D.
— Under 26s. the duty shall be for every quarter	.....	0 11 0
— 26s. and under 27s.	“	0 10 0
— 27s. and under 30s.	“	0 9 0
— 30s. and under 31s.	“	0 8 0
— 31s. and under 32s.	“	0 7 0
— 32s. and under 33s.	“	0 6 0
— 33s. and under 34s.	“	0 5 0
— 34s. and under 35s.	“	0 4 0
— 35s. and under 36s.	“	0 3 0
— 36s. and under 37s.	“	0 2 0
— 37s. and upwards	“	0 1 0

OATS —

— Whenever the average price of Oats, made up and published in the manner required by Law, shall be for every quarter,

		£ S. D.
— Under 19s. the duty shall be for every quarter	.....	0 8 0
— 19s. and under 20s.	“	0 7 0
— 20s. and under 23s.	“	0 6 0
— 23s. and under 24s.	“	0 5 0
— 24s. and under 25s.	“	0 4 0
— 25s. and under 26s.	“	0 3 0
— 26s. and under 27s.	“	0 2 0
— 27s. and upwards	“	0 1 0

RYE, PEAS, and BEANS —

— Whenever the average price of Rye, or of Peas, or of Beans, made up and published in the manner required by Law, shall be for every quarter,

		£ S. D.
— Under 30s. the duty shall be for every quarter	.....	0 11 6
— 30s. and under 33s.	“	0 10 6
— 33s. and under 34s.	“	0 9 6
— 34s. and under 35s.	“	0 8 6
— 35s. and under 36s.	“	0 7 6
— 36s. and under 37s.	“	0 6 6
— 37s. and under 38s.	“	0 5 6
— 38s. and under 39s.	“	0 4 6
— 39s. and under 40s.	“	0 3 6
— 40s. and under 41s.	“	0 2 6
— 41s. and under 42s.	“	0 1 6
— 42s. and upwards,	“	0 1 0

WHEAT, MEAL AND FLOUR —

— For every barrel being one hundred and ninety-six pounds — A duty equal in amount to the duty payable on thirty-eight and a half gallons of Wheat.

OATMEAL —

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OATMEAL —

— For every quantity of one hundred and eighty-one pounds and a half, — A duty equal in amount to the duty payable on a quarter of Oats.

MAIZE OR INDIAN CORN, BUCK WHEAT, BEAR OR BIGG.

— For every quarter, — A duty equal in amount to the duty payable on a quarter of Barley.

If the produce of and imported from any British Possession in *North America*, or elsewhere out of *Europe*.

WHEAT —

Whenever the average price of Wheat, made up and published in the manner required by Law, shall be,

	£ S. D.
Under 55s. for every quarter,	0 5 0
the duties shall be for every quarter	0 4 0
55s. and under 56s. "	0 3 0
56s. and under 57s. "	0 2 0
57s. and under 58s. "	0 1 0
58s. and upwards,	0 1 0

BARLEY —

Whenever the average price of Barley, made up and published in the manner required by Law, shall be,

	£ S. D.
Under 28s. for every quarter,	0 2 6
the duty shall be for every quarter	0 2 0
28s. and under 29s. "	0 1 6
29s. and under 30s. "	0 1 0
30s. and under 31s. "	0 0 6
31s. and upwards	0 0 6

OATS —

Whenever the average price of Oats, made up and published in the manner required by Law, shall be,

	£ S. D.
Under 22s. for every quarter,	0 2 0
the duty shall be for every quarter	0 1 6
22s. and under 23s. "	0 0 6

RYE, PEAS, AND BEANS —

Whenever the average price of Rye, or of Peas, or of Beans, made up and published in the manner required by Law, shall be,

	£ S. D.
Under 30s. for every quarter,	0 3 0
the duty shall be for every quarter	0 2 6
30s. and under 31s. "	0 2 0
31s. and under 32s. "	0 1 6
32s. and under 33s. "	0 1 0
33s. and under 34s. "	0 0 6
34s. and upwards,	0 0 6

WHEAT MEAL AND FLOUR —

For every barrel being one hundred and ninety-six pounds, A duty equal in amount to the duty payable on thirty-eight and a half gallons of Wheat.

OATMEAL —

For every quantity of one hundred and eighty-one pounds and a half, A duty equal in amount to the duty payable on a quarter of Oats.

MAIZE OR INDIAN CORN, BUCK WHEAT, BEAR OR BIGG —

For every quarter, A duty equal in amount to the duty payable on a quarter of Barley.

DEBATES OF LEGISLATIVE ASSEMBLY

SCHEDULE of Cities and Towns to which this Act refers.

COUNTIES.	TOWNS.	COUNTIES.	TOWNS.
CHESHIRE.	Chester, Nantwich, Middlewich, Four Lane Ends, * Congleton, * Macclesfield, * Stockport.	DERBY.	Derby, * Chesterfield.
LANCASTER.	Liverpool, Ulverston, Lancaster, Preston, Wigan, Warrington, Manchester, Bolton, * Blackburn, * Bury, * Rochdale.	NOTTINGHAM.	Nottingham, Newark, * Mansfield, * Retford.
		LEICESTER.	Leicester, * Loughborough, * Hinckley, * Lutterworth.
		NORTHAMPTON.	Northampton, * Peterborough, * Daventry, * Wellingborough, * Kettering.
WARWICKSHIRE.	Coventry, Birmingham, * Warwick, * Stratford-on-Avon.	DORSETSHIRE.	Blandford, Bridport, Dorchester, Sherborne, Shaftesbury, Wareham, * Poole.
WORCESTER.	Worcester, * Broomsgrove, * Kidderminster, * Stourbridge, * Evesham.	HAMPSHIRE.	Winchester, Andover, Basingstoke, Fareham, Havant, Newport, Ringwood, Southampton Portsmouth, * Christchurch.
GLOUCESTER.	Gloucester, Cirencester, Tetbury, Stow-on-the-Wold, Tewkesbury, * Cheltenham, * Dursley, * North Leach, * Stroud.	RUTLAND.	* Oakham.
SOMERSET-SHIRE.	Bristol, Taunton, Wells, Bridgewater, Frome, Chard, * Somerton, * Shepton Mallet, * Wellington, * Wiveliscomb.	HEREFORD.	* Leominster, * Hereford, * Kington.
MONMOUTH-SHIRE.	Monmouth, Abergavenny, Chepstow, Pontypool, * Newport.	SHROPSHIRE.	* Shrewsbury, * Ludlow, * Newport, * Oswestry, * Wellington, * Wenlock, * Whitchurch, * Market Drayton.
DEVONSHIRE.	Exeter, Barnstaple, Plymouth, Totness, Tavistock, Kingsbridge, * Oakhampton, * Tiverton, * Honiton.	WILTSHIRE.	* Swindon, * Devizes, * Salisbury, * Trowbridge, * Warminster, * Chippenham.
CORNWALL.	Truro, Bodmin, Launceston, Redruth, Helston, St. Austell, * Falmouth, * Callington, * Liskeard, * St. Columb.	STAFFORD-SHIRE.	* Stafford, * Burton-on-Trent, * Litchfield, * Newcastle-under-Lyne, * Stone, * Uttoxeter, * Walsall, * Wolverhampton.
		MIDDLESEX.	London, Uxbridge.
		HERTFORD-SHIRE.	Hertford, Royston, * Bishop Stortford, * St. Albans, * Hemel Hempstead, * Hitchin.

COUNTIES.	TOWNS.	COUNTIES.	TOWNS.
SURREY.	Guildford, * Croydon, * Kingston, * Dorking.	SUSSEX.	* Dover, * Gravesend, * Ashford, Chichester, Lewes, Rye, * Brighton, * East Grimstead, * Battle, * Arundel, * Hastings, * Midhurst, * Shoreham,
ESSEX.	Chelmsford, Colchester, Romford, * Chipping Ongar, * Saffron Walden, * Braintree.	BEDFORD.	Bedford, * Leighton Buzzard, * Luton.
KENT.	Maidstone, Canterbury, Dartford, * Chatham and Rochester,		

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BERKSHIRE.	Windsor, Reading, * Abingdon, * Maidenhead, * Newbury, * Wallingford.		* Grantham, * Grimsby, * Horncastle, * Market Raisin, * Caistor, * Alford, * Holbech, * Long Sutton.
BUCKS.	Aylesbury, * Buckingham, * High Wycombe, Newport Pagnel.	YORK.	York, Leeds, Wakefield, Bridlington, Beverley, Hawden, Sheffield, Hull, Whitby, New Malton, * Barnsley, * Bedale, * Bradford, * Doncaster, * Knaresborough, * Pickering, * Richmond, * Ripon, * Selby, * Skipton, * Thirsk, * Rotherham, * Otley, * Thorne.
OXFORDSHIRE.	Oxford, * Banbury, * Henley, * Witney, * Chipping Norton.	HUNTINGDON.	Huntingdon, St. Ives.
CAMBRIDGE.	Cambridge, Ely, Wisbeach, * Newmarket.	SUFFOLK.	Ipswich, Woodbridge, Sudbury, Hadleigh, Stow Market, Beccles, Bungay, Lowestoft, Bury St. Edmunds.
NORFOLK.	Norwich, Yarmouth, Lynn, Thetford, Watton, Diss, East Dereham, Harleston, Holt, Aylsham, Falkenham, North Walsham, * Swaffham.	DURHAM.	Durham, Stockton, Darlington, Sunderland, Barnard Castle.
LINCOLN.	Lincoln, Gainsborough, Glanford Bridge, Louth, Boston, Sleaford, Stamford, Spalding, * Barton on Humber, * Bourne,	NORTHUMBER- LAND.	Walsingham, Belford, Hexham, Newcastle-upon-Tyne, Morpeth, Alnwick, Berwick.
		CUMBERLAND.	Carlisle, Whitehaven, Cockermouth, Penrith, Egremont, * Wigton, * Maryport, * Workington.

COUNTIES.	TOWNS.	COUNTIES.	TOWNS.
WESTMORE-LAND.	Appleby, Kendal.		* Mold, * Bangor, * Cowbridge, * Newton, * Corwen, * Welshpool, * Llangenfi, * Llandillo, * Knighton, * Swansea.
WALES.	Carmarthen, Canarvon, Haverford West, Cardiff, Denbigh, Wrexham, * Brecon,		

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Trade.

"An Act to amend the Laws for the regulation of the trade of the British Possessions abroad."

[16th July, 1842.]

(See printed Statutes, 6th Vic.)

Anno Quinto & Sexto.

Victoriae Reginæ.

CAP. CVII.

An Act for regulating the carriage of Passengers in Merchant Vessels.

[12th August, 1842.]

Passengers.

5 & 6 Wil. 4,
c. 53.

3 & 4 Vic. c. 21.

1 & 2 Vic. c. 113,
in part.

Recited Acts, and
part of Act re-
pealed, except as
to the repeal of
9 Geo. 4, c. 21.

Limitation of
numbers of pas-
sengers accord-
ing to tonnage
and space.

WHEREAS it is expedient to make provision respecting the carriage of Passengers by sea, in certain cases, and for that purpose to repeal, except as hereinafter is mentioned, an Act passed in the Session of Parliament held in the fifth and sixth years of His late Majesty King *William* the Fourth, intituled, "An Act to repeal an Act of the ninth year of His late Majesty, for regulating the carriage of Passengers in Merchant Vessels, from the United Kingdom to the British Possessions on the Continent and Islands of *North America*, and to make further provision for regulating the carriage of Passengers from the United Kingdom;" and also, an Act passed in the Session of Parliament held in the third and fourth years of Her present Majesty, intituled, "An Act to extend to the British Colonies in the *West Indies*, an Act passed in the fifth and sixth years of His late Majesty King *William* the Fourth, for regulating the carriage of Passengers in Merchant Vessels;" and also, so much of an Act passed in the Session of Parliament held in the first and second years of Her present Majesty, intituled, "An Act to amend the Laws relating to the Customs," as extends the provisions of the Act first before mentioned, to foreign vessels, under certain circumstances; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said recited Acts, and portion of an Act, shall be, and the same are hereby repealed, save and except, so far as the first before-mentioned Act repeals an Act passed in the ninth year of the reign of His Late Majesty King *George* the Fourth, intituled, "An Act to regulate the carriage of Passengers in Merchant Vessels, from the United Kingdom to the Continent and Islands of *North America*," which shall remain and continue repealed: Provided nevertheless, that all fines, forfeitures and penalties, to which any person or persons may have become liable under the said Acts, or either of them, shall and may be sued for, prosecuted, and recovered, and that any right of action which may have accrued to any person or persons, by virtue of the said Acts, or either of them, shall and may be enforced hereafter, in such and the same manner, in all respects, as if this present Act had not been made.

II. And be it enacted, That no ship carrying Passengers on any voyage, from any port or place in the United Kingdom, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, hereinbefore designated as the herein-before mentioned Islands, to or for any port or place out of *Europe*, and not being within the *Mediterranean Sea*, shall

proceed on her voyage with, or shall carry more persons on board, than in the proportion of three persons to every five tons of the registered burden of such ship, the Master and Crew being included in and forming part of such prescribed number, and that no such ship shall, whatever be the tonnage whereof, proceed on her voyage with, or carry more Passengers on board, than in the following proportion to the space occupied by them, and appropriated for their use, and unoccupied by stores, not being the personal luggage of Passengers: (that is to say,) on the lower deck or platform, one Passenger for every ten such clear superficial feet, if such ship is not yet to pass within the tropics during such voyage, but if such ship is to pass within the tropics during such voyage, then one Passenger for every twelve such clear superficial feet, if such voyage is computed in manner hereinafter mentioned, not to exceed twelve weeks, and one Passenger for every fifteen such clear superficial feet, if such voyage is so computed to exceed twelve weeks; and under the poop, and on the orlop deck, if any, one Passenger for every thirty such superficial feet, in all cases; and that if any ship carrying Passengers, upon any such voyage, as aforesaid, shall carry any Passengers beyond the proportions herein-before, respectively, mentioned, or any of them, the Master of such ship shall, for or in respect of every Passenger constituting such excess, be liable, on such conviction as herein-after is mentioned, to the payment of a penalty not exceeding five pounds, to be sued for and recovered as herein-after is mentioned.

Construction and thickness of lower deck.

III. And be it enacted, That no ship shall carry Passengers, on any such voyage, as aforesaid, unless she have lower or hold beams forming part of the permanent structure of the vessel, and also a lower deck or platform, of which the under surface shall be not lower than three inches above the bottom of the lower beams, and properly and substantially secured to the same, nor unless such lower deck or platform shall be of not less than one and a half inch in thickness.

Height between decks.

IV. And be it enacted, That no ship shall carry any Passengers, upon any such voyage, as aforesaid, unless such ship shall be of the height of six feet at the least between the upper deck and the lower deck or platform herein-before mentioned, nor carry Passengers on the orlop deck, if any, unless the height between such orlop deck and the deck immediately above the same be six feet at the least.

Sleeping Berths.

V. And be it enacted, That no ship carrying Passengers on any such voyage, as aforesaid, shall have more than two tiers of berths, and that in no such ship shall the interval between the floor of the berths and the deck or platform beneath them be less than six inches; and further, that the berths shall be securely constructed, and that their dimensions shall not be less than after the rate of six feet in length, and eighteen inches in width, for each Passenger.

Quantities of Provisions and Water to be issued to each passenger.

VI. And be it enacted, That on board every ship carrying Passengers on any such voyage, as aforesaid, there shall be issued to the Passengers, daily, a supply of water, at the rate of at least three quarts for each Passenger *per day*, and that there shall also be issued, at convenient times, not less often than twice a week, a supply of provisions after the rate of seven pounds of bread, biscuit, flour, oatmeal or rice, *per week*, provided that one half at least of the supply shall consist of bread or biscuit, and that potatoes may be employed to the extent of the remaining half of the supply, five pounds, however, of potatoes being computed as equal to one pound of the other articles above enumerated; and that such issues, as aforesaid, shall be made throughout the whole voyage, including the time of detention, if any, at any port or place before the end of such voyage; and further, that no ship proceeding on any such voyage, as aforesaid, shall be cleared out until there shall be laden and on board such quantity of pure water, and of good and wholesome provisions of the requisite kind, as shall be sufficient to allow of the issues, aforesaid, during the period assigned to such voyage under the provisions of this Act.

Further regulations as to water :

VII. And be it enacted, That in any such ship the water to be laden on board, as herein-before required, shall be carried in tanks or sweet casks, and that none of such casks shall exceed three hundred gallons in capacity ; and further, that when any ship shall be destined to call at a port or place in the course of her voyage, for the purpose of filling

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up her water, a supply of water at the rate before mentioned for every week of the computed voyage to such port or place of calling shall be deemed to be a compliance with the provisions of this Act, subject to the following conditions ; (that is to say,) —

First — That the Government Emigration Agent, at ports where there is one, and the Collector or Comptroller of Customs at ports where there is no such Agent, signify his approval in writing, and that the same be carried amongst the papers of the ship, to be delivered to the Collector of Customs, or Her Majesty's Consul, as the case may be, on reaching her final destination.

Secondly — That an engagement to call at such port or place be inserted in the bond which is hereinafter required to be given to the Crown, by the Owner or Charterer and Master.

Thirdly — That if the computed length of voyage to such port or place be not declared in this Act, it shall be competent to the Government Emigration Agent, or the Collector or Comptroller of Customs, as aforesaid, as the case may be, to fix the same in each case ; and,

Fourthly — That the ship shall have on board, at the time of clearing out, tanks or water casks sufficient for stowing the quantity of water required for the longest portion of the whole voyage.

VIII. And be it enacted, That the number of weeks deemed to be necessary for the voyage of any such ship, according to her destination, shall be determined by the following rule of computation ; (that is to say,) —

For a voyage to *North America*, except the West coast thereof, ten weeks.

For a voyage to the *West Indies*, including under that term the *Bahama Islands* and *British Guiana*, ten weeks.

For a voyage to any part of the Continent of *Central* or *South America*, except the West coast thereof, and except *British Guiana*, twelve weeks.

For a voyage to the West coast of *Africa*, twelve weeks.

For a voyage to the *Cape of Good Hope* or the *Falkland Islands*, fifteen weeks.

For a voyage to the *Mauritius*, eighteen weeks.

For a voyage to *Western Australia*, twenty weeks.

For a voyage to any other of the *Australian Colonies*, twenty-two weeks.

For a voyage to *New Zealand*, twenty-four weeks.

IX. Provided always, and be it enacted, That for the purposes, and within the meaning of this Act, it shall in all cases be computed that two children, each being under the age of fourteen years, shall be equal to one Passenger, and that children under the age of one year shall not be included in the computation of the number of Passengers.

X. And be it enacted, That before any such ship shall be cleared out for the voyage, the Government Emigration Agent, at ports where there is such an officer, or in the absence of such Agent, and in ports where there is no such Agent, the Collector or Comptroller of Customs, shall survey, or cause to be surveyed by some competent person, the provisions and water herein-before required for the consumption of the Passengers, and shall ascertain that the same are in a sweet and good condition ; and shall also ascertain that over and above the same, there is on board an ample supply of water and stores for the

Computed length
of different
voyages.

How children
are to be com-
puted in the
enumeration of
passengers.

Government
Emigration
Agents or Officers
of Customs
to survey provi-
sions and water:

The same Officers to attend generally to enforcement of the Act.

Sea-worthiness of the Ship may be ascertained by survey.

Sufficient Boats to be carried.

Copies of the Act to be kept on board and produced, if demanded.

In every Ship, (except to North America) carrying 100 passengers, or 50 passengers, if the voyage be longer than 12 weeks, a Medical Practitioner and Medicines to be carried, and in every other Ship a proper supply of Medicines.

victualling of the crew of the ship, and other persons (if any) on board.

XI. And be it enacted, That such officer shall see that the other directions contained in this Act be complied with, so far as the same can be complied with, before the departure of such ship from any port or place in the United Kingdom, or in the herein-before mentioned Islands.

XII. And be it enacted, That if doubts shall arise whether any ship about to proceed with Passengers, as aforesaid, is sea-worthy, so as to be fit for her intended voyage, and such doubts shall not be removed to the satisfaction of the Collector and Comptroller of the Customs at the port from which vessel is to be cleared out, or in case there shall be a Government Emigration Agent at such port, then to the satisfaction of such Emigration Agent, it shall be lawful for such Collector and Comptroller, or for such Government Emigration Agent (as the case may be,) at any time to cause such ship to be surveyed by two competent persons, and if it shall be reported by those persons that such ship is not, in their opinion, sea-worthy, with reference to such voyage, such ship shall not be cleared out, unless the contents of such report be disproved to the satisfaction of the Commissioners of the Customs, or of the Colonial Land and Emigration Commissioners, in those cases in which the report shall have been made at the instance of a Government Emigration Agent, or until such ship shall have been rendered sea-worthy.

XIII. And be it enacted, That no ship shall carry any Passengers on any such voyage, as aforesaid, unless such ship shall be provided with good sound boats of suitable size, and properly supplied with all requisites for their use, in the following proportion to the registered tonnage of such ship, as aforesaid; (that is to say,) —

Two boats, if the tonnage of such ship be one hundred and fifty tons, and upwards, but under two hundred and fifty tons.

Three boats, if the tonnage of such ship be two hundred and fifty tons, and upwards.

Four boats, if the tonnage of such ship be five hundred tons, and upwards, and the number of Passengers exceed two hundred: — Nor unless one of such boats be a long boat, of a size duly proportioned to the tonnage of the ship.

XIV. And be it enacted, That two copies of this Act shall be kept on board every ship carrying Passengers on any such voyage, as aforesaid, and that for this purpose two copies of the same, provided and issued by the authority of the Commissioners of the Customs, shall be delivered to the Master, on demand by the Collector or Comptroller of the Customs at the port and time of clearance of the ship; and one of such copies shall, upon request made at seasonable times to the Master of the ship, be produced to any Passenger for his perusal.

XV. And be it enacted, That no ship carrying Passengers on any such voyage, as aforesaid, to any such port or place, as aforesaid, except any port or place in *North America*, shall, in case the number of such Passengers shall amount to or exceed one hundred, or in case the estimated length of the voyage, computed as herein-before is mentioned, shall exceed twelve weeks, and the number of such Passengers shall amount to or exceed fifty, clear out for such voyage from any port in the United Kingdom, or in the herein-before mentioned Islands, unless there shall be rated upon the ship's company, and shall be actually serving on board such ship, some person duly authorised by law to practise in this Kingdom as a Physician or Surgeon, or Apothecary, and that no such ship shall actually put to sea or proceed on such voyage, unless such Medical Practitioner shall be therein, and shall *bonâ fide* proceed on such voyage, taking with him a medicine chest, and a proper supply of medicines, instruments, and other things suitable to the intended voyage; and no ship carrying Passengers on any voyage from any port or place in the United Kingdom, or in the herein-before mentioned Islands, to or for any port or place out of *Europe*,

DEBATES OF LEGISLATIVE ASSEMBLY

and not being within the *Mediterranean* Sea, shall clear out for any such voyage, unless and until there shall be actually laden and on board such ship, medicines, and printed or written directions for the use of the

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same, and other things necessary for the medical treatment of the Passengers on board, during such intended voyage, and available for that purpose, nor unless such medicines and other things shall be adequate in amount and kind to the probable exigencies of any such voyage, and, together with such medicines and other things, shall also be put on board every such ship previously to her clearing out for any such voyage, as aforesaid, a certificate under the hands of any one or more such Medical Practitioner, qualified, as aforesaid, who shall not have been the seller of the medicines and other things, or any part of them, to the effect that the same have been inspected by him, and are, in his judgment, adequate to meet any such probable exigencies, as aforesaid, and further, that he has no pecuniary interest in the supply of the same.

Sale of spirits to passengers prohibited.

List of passengers to be delivered before clearing.

Lists of additional passengers after clearing out.

XVI. And be it enacted, That any ship carrying Passengers upon any such voyage, as aforesaid, no spirits or strong water, shall be sold to any Passenger during the voyage; and that if the Master of the ship shall directly or indirectly, sell, or cause to be sold, any spirits or strong waters to any Passenger during the voyage, he shall be liable to a penalty not exceeding one hundred pounds, to be sued for and recovered in manner hereinafter mentioned.

XVII. And be it enacted, That the Master of every ship carrying Passengers on any such voyage, as aforesaid, shall, before clearing out his said ship for such voyage from any port or place in the United Kingdom, or in the herein-before mentioned Islands, sign and deliver, in duplicate, to the Collector, or to such officer of Her Majesty's Customs at such port or place as may clear the ship, a list, made out according to the form contained in the Schedule (A.) hereunto annexed, of all and every the Passengers on board of such ship, specifying, as accurately as may be, all the particulars in the said form required; and such Collector, or other officer, shall thereupon countersign and return to the said Master one of such duplicate lists, and the said Master shall exhibit such duplicate list, with the additions, if any, to be made thereto, as hereinafter directed, to the Collector or other chief Officer of Her Majesty's Customs at any port or place in Her Majesty's Possessions, or to Her Majesty's Consul at any foreign port, at which the said Passengers, or any of them, shall be landed, and shall deposite the same with such Collector or chief Officer of Customs, or such Consul, as the case may be, at his final port of discharge.

XVIII. And be it enacted, That in case any such vessel shall have cleared out, as aforesaid, with a number of Passengers less than the number she could lawfully carry under the provisions of this Act, or in case any Passenger or Passengers named in the list afore mentioned shall not proceed on the voyage, and there shall afterwards be taken on board any additional Passenger or Passengers, the Master shall, in every such case, add to the first list so countersigned and returned to him, as aforesaid, and in the same manner as is required in such first list, the names and particulars of such additional Passenger or Passengers; and shall, moreover, prepare, in the form aforesaid, a separate list of such additional Passenger or Passengers, and deliver the same, together with the first list so added to, as aforesaid, both being duly signed by him, to the Collector or other officer of Customs, as aforesaid, at the port or place where any such additional Passenger or Passengers may have embarked; and thereupon such Collector, or other officer of Customs, shall countersign the additions so made to such first list, as aforesaid, and shall return the same to the said Master, and retain the separate additional list; and so on in like manner whenever any additional Passenger or Passengers may be taken on board:

Provided always, that in the event of there being no Collector, or other officer of Customs, stationed at any port or place where such additional Passenger or Passengers may be taken on board, then such separate list, and also the said first list, with the additions so to be made to it, as aforesaid, shall, in case the vessel shall subsequently touch at any port or place at which there shall be stationed any officer of Her Majesty's Customs, be delivered by the said Master to such officer of Customs, and the same, respectively, shall be dealt with in all respects by such officer of Customs as it would have been dealt with by the Collector, or other officer of Customs, as aforesaid, had there been one at the port or place where such additional Passenger or Passengers embarked.

Written receipts
to be given in
respect of pas-
sengers to North
America.

XIX. And be it enacted, That if any Owner, Charterer, or Master, of a ship, or any Passage Broker, Agent, or other person, shall receive any money from any person, for or in respect of the conveyance of any person as a Passenger on any such voyage, as aforesaid, to any port or place in *North America*, the person so receiving such money shall give a written acknowledgment for the same to the party from whom the same shall have been received, in the form contained in the Schedule (B.) hereto annexed, and in default thereof shall be liable to a penalty not exceeding ten pounds, in respect of each such Passenger, to be sued for and recovered as hereinafter is mentioned; and if he shall be so licenced, as hereinafter is mentioned, his licence shall be forfeited, in case the Justices before whom the penalty shall be sued for shall declare the forfeiture thereof.

Licences to be
taken out by
dealers and
brokers, in respect
of passengers to
North America.

XX. And be it enacted, That from and after the commencement of this Act, no person, not being the Owner or Master of the ship in which such Passengers as are hereinafter mentioned shall be taken, shall carry on the business of a Passage Broker or Passage Dealer in respect of passages from the United Kingdom, or the herein-before mentioned Islands, to any port or place in *North America*, or shall sell or let, or agree to sell or let, to any person any such passage, unless he shall have previously taken out a licence to carry on the business of a Passage Broker or Passage Dealer, as hereinafter is mentioned, and unless such licence shall continue in force; and if any person shall carry on such business, or sell or let, or agree to sell or let, any such passage contrary to this enactment, every person so offending shall be liable to a penalty not exceeding ten pounds, in respect of each and every such offence, to be sued for and recovered as hereinafter is mentioned, and shall further be subject to all the same penalties and liabilities to which licenced Passage Brokers and Passage Dealers are subject under this Act; and that it shall be lawful for any person desiring to carry on the business of Passage Broker or Passage Dealer, in respect of such passages to *North America*, as aforesaid, to make application to the Justices assembled in Petty or Quarter Sessions, held for the district or place in which such person shall reside, for a licence to carry on such business; and such Justices so assembled are hereby authorised to grant such licence to the party making application for the same, such licence to be made out according to the form contained in the Schedule (C.) hereunto annexed, and to continue in force for the period named in such form, unless sooner forfeited in manner hereinafter mentioned; and where any such licence shall be granted, such Justices shall cause notice thereof to be forthwith transmitted by the Post to the Colonial Land and Emigration Commissioners, at their office in *London*: Provided nevertheless, that no such licence shall be granted, unless the party applying for the same shall shew to the satisfaction of the Justices that he has given notice to the Colonial Land and Emigration Commissioners of his intention to apply for the same, twenty-one clear days at least before such application; such notice to be transmitted by the Post to the office of the said Colonial Land and Emigration Commissioners, and to be in the form contained in the said Schedule (D.) hereunto annexed.

Licences to be
granted by
Justices, and notice
thereof transmitted
to Colonial land
and Emigration
Commissioners.

Notice to be given
to Colonial land
and Emigration
Commissioners,
of intended ap-
plication for
Licenses.

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Penalties for acting without written authority from principals, and for obtaining passage money fraudulently.

Return of passage money, and compensation to Passengers, in certain cases.

Subsistence in case of detention.

XXI. And be it enacted, That if any licenced Broker or Dealer, as aforesaid, shall receive money for or on account of the passage of any Passenger for any such voyage, as aforesaid, to any port or place in *North America*, without having a written authority to act as Agent for the party on whose behalf the contract for such passage purports to be made, or shall, by any fraud or false pretence whatsoever, induce any person to purchase, hire or engage, a passage in any ship for any such voyage, as aforesaid, every such Broker or Dealer shall be liable, upon conviction as hereinafter is mentioned, in respect of every such offence, to a penalty not exceeding ten pounds, to be sued for and recovered in manner hereinafter mentioned; and it shall be lawful for the Justices before the penalty shall be sued for, to declare, if they shall think fit, the licence of such Broker or Dealer to be forfeited, and the same shall, upon such declaration, be forfeited accordingly: Provided always, that in any case in which, under the provisions of this Act, any Justices shall declare the licence of any Passage Broker or Passage Dealer to be forfeited, such Justices shall cause notice of such forfeiture, in the form contained in the Schedule (E.) hereunto annexed, to be forthwith transmitted by the Post to the Colonial Land and Emigration Commissioners, at their office in *London*.

XXII. And be it enacted, That if any Passenger, or person on his behalf, shall have entered into a contract for a passage or passages for such Passenger, or for him and his family, in any ship, for any such voyage, as aforesaid, from any port in the United Kingdom, or in the herein-before mentioned Islands, to or for any port or place out of *Europe*, and not being in the *Mediterranean Sea*; and if such Passenger, or such Passenger and his family, (as the case may be,) shall be at the place of embarkation at the time appointed for that purpose in and by such contract, and such Passenger shall apply for such passage or passages, and shall on demand pay or tender such part of the passage money not already paid as shall be payable under such contract previously to embarkation, and if, owing to the previous departure of the ship in which such passage or passages shall have been engaged, or the neglect, refusal, or other default of the Owner, Charterer, or Master thereof, or of the party with whom such passage or passages shall have been contracted for, such Passenger shall not obtain such passage or passages, or shall not within a reasonable time obtain a passage or passages by some other equally eligible vessel to the same port or place, and in the mean time be paid subsistence money, or be provided with lodging and maintenance, as hereinafter mentioned, such Passenger shall be entitled to recover, in manner hereinafter provided, all moneys which he shall have paid for such passage or passages, from the party to whom he shall have paid the same, or from the Owner or Charterer of the ship for whom such party shall be the Agent, and also such further sum, not exceeding ten pounds, in respect of each such passage as shall, in the opinion of the Justices who shall adjudicate on the complaint, be a reasonable compensation for the loss or inconvenience occasioned to such Passenger or his family by the loss of such passage or passages.

XXIII. And be it enacted, That if any ship shall not actually put to Sea, and proceed upon any such intended voyage, as aforesaid, on the day for that purpose appointed in and by any contract made by the Owner, Master, or Charterer, of such ship, or by their Agent, with any Passenger, who shall on that day be on board the same, or ready to proceed on such intended voyage, then and in every such case the Master of such ship shall victual each and every such Passenger in like manner as if voyage had commenced; and if the ship does not put to Sea after the interval of two clear working days from the day appointed for sailing, shall be liable to pay to each and every such Passenger, instead of victualling him, subsistence money, after the rate of one shilling in respect of each day of delay, until the actual clearing out

Passengers not to be landed without their consent at any other place.

and final departure of such ship on such voyage, and the same may be recovered in manner hereinafter mentioned: Provided, however, that such subsistence money shall not be payable in lieu of victualling, in respect of any unavoidable detention by wind or weather; and also, shall not be payable to any Passenger who shall, with his own consent, be suitably lodged and maintained on shore at the expense of the parties who are bound to provide him with a passage.

XXIV. And be it enacted, That the Master of any ship carrying Passengers under the provisions of this Act shall not land or put on shore, or cause to be landed or put on shore, any Passenger, without his previous consent, at any port or place other than the port or place at which he may have contracted to land or put such Passenger on shore.

XXV. And be it enacted, That at the close of any such voyage, as aforesaid, any person arriving as a Passenger at any port or place, shall, during the space of forty-eight hours next after such arrival, be entitled to continue on board such ship, and to be provided for and maintained on board the same, in such and the same manner as during such voyage unless in the ulterior prosecution of her voyage any such ship shall quit any such port or place within the said period of forty-eight hours.

XXVI. And be it enacted, That the Master of every ship carrying Passengers on any such voyage, as aforesaid, shall afford to the Government Agent for Emigration, or to the proper Officer of Customs, at any port or place in Her Majesty's Dominions from which such ship shall sail, or at which such ship shall touch during the voyage, or at which such ship shall arrive at the end of such voyage, and to Her Majesty's Consul at any port or place at which such ship shall arrive, being in a Foreign Country, every facility for the inspection of the ship, and for the communication with the Passengers, and for ascertaining that the Act has been duly observed.

XXVII. And be it enacted, That if in any ship carrying Passengers on any such voyage, as aforesaid, such lower deck or platform of such thickness, as herein-before directed, shall not be laid and continued throughout the whole duration of any such voyage in such manner as is herein-before required; or if the height between such lower deck or platform and the upper deck shall be less than six feet; or if there shall be more than two tiers of berths; or if such berths shall not be securely constructed; or shall not be of the dimensions herein-before required; or if there shall not be throughout the whole duration of any such voyage, such an interval as is herein-before prescribed between the deck and the floor of the berths; or if any such ship shall clear out and put to sea, not having on board tanks or sweet casks of such size and number, as aforesaid, and such water and provisions, as aforesaid, and such water and provisions, as aforesaid, for the use and consumption of the said Passengers, of the kind and to the amount, and in the proportion, herein-before required; or if such water and provisions shall not be issued in manner herein-before required; or if such ship shall not be provided with good boats, according to the rates aforesaid; or if copies of this Act shall not have been kept on board, and produced on demand, as herein-before required; or if there shall not be on board any such vessel such Medical Practitioner, as aforesaid, or such medicines, and other things necessary to the medical treatment of the Passengers, as is herein-before required; or if any such ship shall be cleared out before such list of Passengers, as herein-before mentioned, shall have been delivered in manner, and form, aforesaid, to such Officer as aforesaid; or if the additions to such list, and such additional separate list or lists, as aforesaid, be not made in the cases, aforesaid, and delivered in the cases in which they are herein-

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before required to be delivered; or if any such list, or the additions to the same, shall be wilfully false; or if any such list, including the

Passengers to be maintained for 48 hours after their arrival.

Facilities to be given to the proper officers for inspection of ship, &c.

Penalties.

additions, if any, to the same, shall not be exhibited to or deposited with the proper Officer at any port or place, at which it is herein-before required to be exhibited or deposited; or if any Passenger shall, without his previous consent, be put on shore at any place other than the place at which the Master had contracted to land such Passenger; or if any Passenger shall not be allowed to continue on board such ship, in manner herein-before provided; or if every such facility for inspection shall not be afforded, as is herein-before required, the Master of any such ship shall, for and in respect of each and every such offence, be liable on such summary conviction, as herein-after mentioned, to the payment of a fine not exceeding fifty pounds, Sterling, British money.

The right of action of Passengers not to be taken away or abridged.

Recovery of penalties.

XXVIII. Provided nevertheless, and be it enacted, That nothing herein contained shall take away or abridge any right of suit or action which may accrue to any Passenger in any such ship, or to any other person, in respect of the breach or non-performance of any contract made or entered into between or on behalf of any such Passenger, or other person, and the Master, Owner or Owners, of any such ship.

XXIX. And be it enacted, That all penalties imposed by this Act, for any offence against the same, may be sued for and recovered to the use of Her Majesty, as herein-after is mentioned; (that is to say,) in the United Kingdom by any Government Emigration Agent, or any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs, authorised in writing by the Commissioners of Her Majesty's Customs, to sue for penalties under this Act; and in any of Her Majesty's possessions abroad, by any such Government Agent, Collector, or Comptroller, or other Officer so authorised, as aforesaid; and also by any Officer authorised to sue for penalties under this Act, by writing under the hand and seal of the Governor or Officer administering the Government of any such Possession, which respective authorities the Commissioners of Her Majesty's Customs, and such Governors or other Officers, are hereby empowered to grant; and all sums of money made recoverable by this Act, as return of passage-money, subsistence-money, or compensation, may be sued for and recovered, as herein-after is mentioned, by or to the use of any Passenger entitled thereto, under this Act, or by any of such Officers, as aforesaid, on behalf and to the use of any such Passenger, or on behalf and to the respective use of any number of such Passengers, and either by one or by several complaints; and all such penalties and sums of money may be sued for and recovered before any two or more Justices of the Peace, acting in any part of Her Majesty's Dominions in which the offence shall have been committed, or the cause of complaint shall have arisen, or in which the offender or party complained against shall happen to be; and upon complaint being made before any one Justice of the Peace, as aforesaid, he shall issue a summons, requiring the party offending or complained against to appear on a day and at an hour and place to be named in such summons; and every such summons shall be served on the party offending or complained against, or shall be left at his last house, place of residence, or of business, or on board any ship to which he may belong; and either upon the appearance or default to appear by the party offending or complained against, it shall be lawful for any two or more Justices to proceed summarily upon the case, and either with or without any written information; and upon proof of the offence, or of the complainant's claim, (as the case may be,) either by confession of the party offending or complained against, or upon the oath of one more credible witness, or witnesses, (which oath such Justices are hereby authorised to administer,) it shall be lawful for such Justices to convict the offender, or adjudicate the complaint; and upon such conviction or adjudication to order the offender or party complained against to pay such penalty, within the limits herein-before expressed, as the Justices may declare to have incurred, or (as the case may be)

to pay to the party suing for the same the sum of money sued for, or so much thereof as such Justices shall think the complainant justly entitled to, and also to pay the costs attending the information or complaint, summons, conviction, or adjudication; and if, forthwith, upon any such order, the moneys thereby ordered to be paid be not paid, the same may be levied, together with the costs of the distress and sale, by distress and sale of the goods and chattels of the party ordered to pay such moneys — the surplus, if any, to be returned to him upon demand; and any such Justices may issue their warrant accordingly, and may also order such party to be detained and kept in safe custody until return can conveniently be made to such warrant of distress, unless such party give sufficient security, to the satisfaction of such Justices, for his appearance before them on the day appointed for such return, such day or days not being more than eight days from the time of taking such security; but if it shall appear to such Justices, by the admission of such party or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, they may, if they think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency, as aforesaid, shall be made to appear to the Justices, or any two or more such Justices, as aforesaid, then such Justices shall, by warrant, cause the party, ordered to pay such moneys and costs, as aforesaid, to be committed to Gaol, there to remain without bail for any term not exceeding three months, unless such moneys and costs ordered to be paid, and such costs of distress and sale, as aforesaid, be sooner paid and satisfied.

Viva voice evidence may be given of a party being a Government Agent or officer.

Passengers suing not incompetent witnesses.

Distress not to be unlawful for informality.

Tender of amends.

XXX. And be it enacted, That if in any proceeding before any Justice or Justices under this Act, or upon any action, suit or other proceeding, whatsoever, against any person or persons, for any thing done either contrary to or in pursuance of this Act, a question should arise whether any person is a Government Emigration Agent, or an Officer of the Customs, *vivā voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

XXXI. And be it enacted, That any Passenger suing as hereinbefore is mentioned, for any sum of money made recoverable by this Act as return of passage money, subsistence money, or compensation, shall not be deemed an incompetent witness in any proceeding for the recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own use and benefit.

XXXII. And be it enacted, that where any distress shall be made for any penalty, moneys or costs, to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio*, on account of any irregularity which shall be afterwards committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

XXXIII. And be it enacted, That no plaintiff shall recover in any action against any person for any thing done in pursuance of this Act, if tender of sufficient amends shall have been made before such action

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brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the defendant.

XXXIV. And be it enacted, That no action or suit shall be commenced against any person for any thing done in pursuance of or under the authority of this Act, until twenty-one days notice has been given thereof, in writing, to the party or person against whom such action or suit is intended to be brought, nor after three calendar months next after the act committed for which such action or suit shall be so

Limitation of actions.

Defendant may plead the general issue, &c.

brought; and every such action shall be brought, laid, and tried, where the cause of action shall have arisen, and not in any other place; and the defendant in such action or suit may plead the general issue, and give this Act and any special matter in evidence, at any trial which shall be had thereupon; and if the matter or thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such action or suit was brought before twenty-one days notice thereof given, as aforesaid, or if any action or suit shall not be commenced within the time herein-before limited, or shall be brought or laid in any other place than as aforesaid, then the Jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become non-suited, or suffer a discontinuance of such action, or if upon any demurrer in such action, judgment shall be given for the defendant thereon, then and in any of the cases, aforesaid, such defendant shall and may recover treble costs, and shall have such remedy for recovering the same as any defendant may have for his costs in any other case by law.

Owners or Charterer and Masters of vessels to enter into bond, (without stamps) for the due performance of the regulations prescribed by this Act.

Limitation of prosecution.

Exception of particular kinds of ships.

Extension of Act to West Indies, Western Africa, Malta, and the Mauritius.

XXXV. And for the more effectually securing the observance of the aforesaid rules, and the payment of the penalties, be it enacted, That before any ship carrying Passengers, if the number of such Passengers shall exceed fifty, shall clear out for any such voyage, as aforesaid, from any port or place in the United Kingdom, or in the herein-before mentioned Islands, the Owner or Charterer, or in the event of the absence of such Owner or Charterer, one good and sufficient person on his behalf, to be approved by the Collector or chief Officer of Customs, at such port, and the Master of the said ship, shall enter into a joint and several bond to Her Majesty, Her Heirs and Successors, in the sum of one thousand pounds, the condition of which bond shall be, that the said ship is sea-worthy, and that all and every the rules and regulations made and prescribed by this Act, for the carriage of Passengers, shall be well and truly performed before and during such intended voyage, and that all penalties, fines and forfeitures, which the Master of such ship may be sentenced or adjudged to pay, for or in respect of the breach or non-performance before or during such voyage, of any such rules and regulations, shall be well and truly paid: Provided always, that such bond shall be without stamps; and that no such bond shall be put in suit, and that no prosecution, suit, action, information or complaint, shall be brought under or by virtue of this Act, or upon or by reason of the breach of any of the provisions thereof, in any of Her Majesty's possessions abroad, after the expiration of twelve calendar months next succeeding the commencement of any such voyage, as aforesaid, nor in the United Kingdom, or any of the Islands before mentioned, after the expiration of twelve calendar months next after the return of the said ship, or of the said Master, to the United Kingdom, or the herein-before mentioned Islands.

XXXVI. And be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to ships carrying Passengers on such voyage, as aforesaid, if the number of such Passengers shall not amount to or exceed thirty; nor shall any thing in this Act contained, extend to any of Her Majesty's ships of war, or to any ship in the service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, or to ships of war or transports, in the service of the *East India Company*.

XXXVII. And whereas it is expedient to provide in certain cases for the regulation of voyages from the Colonies; be it therefore enacted, That this Act shall, except as hereinafter is excepted, extend and apply to the carriage of Passengers by sea, from any of the British *West Indies*, in which term are included the British *West India Islands*, the *Bahamas*, and British *Guiana*, and from *Malta*, and from the British possessions in *Africa*, and from the *Mauritius*, to any other place whatsoever.

Power to
Governors of
other Colonies
to adopt the Act.

Governors em-
powered to declare
computed length
of voyage.

Proviso.

The Governor,
&c. may issue
Proclamation
substituting
other articles of
food, &c. if
equivalent.

Such Proclamation
to be transmitted
for Her Majesty's
confirmation or
disallowance.

Attested copy
of such Proclama-
tion to be received
as evidence in the
Colony in which
it may be pro-
duced.

Powers for de-
termining the
sea-worthiness
of any ship
vested in
Governor, &c.

XXXVIII. And be it enacted, That it shall be lawful for the Governor, or Officer administering the Government of any British Colony not enumerated in the enactment lastly herein-before contained, to declare by Proclamation to be issued for that purpose, that this Act, except as hereinafter is excepted, shall be extended and shall apply to the carriage of Passengers by Sea from such Colony to such places as may by him be named for the purpose in such Proclamation; and thereupon this Act shall be thenceforth so extended, and shall so apply accordingly.

XXXIX. And be it enacted, That it shall be lawful for the Governor, or Officer administering the Government of any British Colony Colonies to which this Act, as respects the carriage of Passengers by Sea therefrom, has been hereby extended, or shall have been extended by Proclamation, as herein-before is mentioned, by any Proclamation or Proclamations to be by him from time to time issued for that purpose, to declare the rule of computation by which the length of the voyage of any ship carrying Passengers from such Colony to any other place, shall be estimated for the purposes of this Act. Provided nevertheless, That this Act shall not, except as respects the *West Indies*, and except as hereinafter is mentioned, extend or apply to any such voyage, if the length thereof, so computed, shall not be three weeks or upwards.

XL. And be it enacted, That it shall be lawful for the Governor, or Officer administering the Government, of any of the British Colonies to which this Act has, as respects the carriage of Passengers by Sea therefrom, been hereby extended, or shall have been so extended by Proclamation, as herein-before is mentioned, by any Proclamation or Proclamations to be by him from time to time issued for that purpose, to substitute for the articles of food and provisions specified in this Act, such other articles of food and provisions as shall be a full equivalent for the same.

XLI. Provided always, and be it enacted, That every such Proclamation, as aforesaid, or as hereinafter is mentioned, shall be transmitted by the Governor, or Officer by whom the same may have been issued, to Her Majesty, through one of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or disallowance; and in case the same shall be disallowed by any order to be made by Her Majesty for that purpose, with the advice of Her Privy Council, then from and after the promulgation of any such Order in Council within any such Colony, any such Proclamation shall cease to be of any force or authority, but until so disallowed the same shall be duly observed and obeyed: Provided also, That on the production of any one of the Colonies aforesaid, of an attested copy of any such Proclamation, as aforesaid, or as hereinafter is mentioned, under the hand of the Governor, or the Officer administering the Government of the Colony wherein the same may have been issued, and under the public seal of such Colony, such attested copy shall, in the Colony wherein the same shall be so produced, be received as good and sufficient evidence of the issuing and of the contents of any such Proclamation.

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XLII. And be it enacted, That all the powers and authorities which are herein-before vested in the Collector and Comptroller of the Customs, for determining the sea-worthiness of any ship carrying Passengers from the Colonies, it shall not be necessary for the Master, Owner, carrying Passengers from any Port in any of the Colonies, aforesaid, be and the same are hereby vested in the respective Governors, or Officers administering the Government of the said Colonies, respectively.

No bond required for voyages from the Colonies.

Exception of certain provisions of this Act in the case of voyages from the Colonies.

Extension of the Act with further exceptions, to voyages shorter than three weeks in the West Indies.

Power to Governors of other Colonies to adopt the same extension of the Act to voyages shorter than three weeks.

This Act not to prevent the enactment by Colonial Assemblies, or by Her Majesty in Council, of laws necessary for establishing the rules and regulations required by said recited Act, and this Act.

XLIII. Provided always, and be it enacted, That, as respects voyages from the Colonies, it shall not be necessary for the Master, Owner, or Charterer of any ship carrying Passengers on any such voyage, to enter into any such bond, as herein-before required to be entered into by the Master and Owner, or Charterer, of any ship carrying Passengers, on any such voyage as herein-before is mentioned.

XLIV. Provided also, and be it enacted, That the provisions of this Act shall not extend or apply to voyages from the Colonies, so far as relates to the following subjects ; (namely,) The keeping copies of the Act on board :

The use of the form of receipt herein-before required to be given for Passage money :

The licensing of Passage Brokers :

The return of Passage money and compensation, in case the party cannot be forwarded by the appointed ship, or by some other eligible vessel, and victualing, or the payment of subsistence money in case of detention.

XLV. Provided always, and be it enacted, That, except as herein-before is excepted with respect to voyages from the Colonies, the provisions and regulations of this Act shall extend to voyages from the *West Indies* of less duration, so computed as aforesaid, than three weeks, but being of not less duration, so computed as aforesaid, than three days, save and except so far as relates to the following subjects ; (namely,) The construction or thickness of the lower deck or platform :

The berths :

The height between decks :

The Surgeon and Medicine chest :

The maintenance of Passengers for forty-eight hours after arrival :

Provided also, that as respects such voyages from the *West Indies* of less computed duration than three weeks, the owner or charterer of a ship may, if he think fit, contract with the Passengers engaging passages therein, that they shall respectively provide themselves with necessary food (not including water) for the voyage ; and in such case the regulations of this Act respecting the issue of provisions by the Master, shall not be applicable to such Passengers, on such voyage.

XLVI. Provided also, and be it enacted, That it shall be lawful for the Governor, or Officer administering the Government of any British Colony (other than the *West Indies*.) to which this Act, as respects the carriage of Passengers by sea therefrom, has been hereby extended, or shall hereafter be extended by Proclamation, as herein-before is mentioned, by the same, or by any subsequent Proclamation to be by him issued for that purpose, to declare that the enactment herein-before contained respecting voyages from the *West Indies* of shorter duration than three weeks, shall extend and apply to voyages from the Colony in respect of which, such Proclamation shall be issued, such voyage being of less duration, so computed, as aforesaid, than three weeks, but not of less duration, so computed as aforesaid, than three days ; and thereupon such enactment shall extend and apply to such voyage accordingly.

XLVII. And be it enacted, That nothing in this Act contained, extends, or shall be construed to extend, to prevent the enactment by the respective Governors, Councils, and Assemblies, or other local Legislatures in the British *West Indies*, and *South America*, and in the *Bahama Islands*, and in *Bermuda*, or by Her Majesty, with the advice of Her Privy Council, of any such Acts of General Assembly, or Ordinances, or orders in Council, as may be requisite for making and establishing such several rules and regulations as are required by this Act or any of them, or for carrying the same into full and complete effect : Provided nevertheless, that it shall not be lawful for any such Governor, Council, and Assembly, or for any such local Legislature, or for Her Majesty in Council by any such Acts of Assembly, Ordinances,

or orders in Council, as aforesaid, to make or establish any enactment, provision, rule or order, which shall be in any wise repugnant or contradictory to this Act or any part thereof, but that every such enactment, regulation, provision, rule, or order shall be, and is hereby declared to be, absolutely null and void and of no effect.

Power to the Governor General of India, in Council, to adopt this Act, with certain exceptions, in India.

XLVIII. Provided always, and be it enacted, That nothing herein-before contained shall be construed to apply to any of the territories or places under the Government of the *East India Company*, or to any of the Governors appointed by the said Company; nor shall any thing herein-before contained affect, or be construed to affect, the powers now vested in the Governor-General of *India*, in Council, to make laws and regulations whereby the provisions of this Act, or such of them as to the said Governor-General of *India*, in Council, shall seem expedient, shall or may be extended to the territories and places under the Government of the said Company, or for, or in respect of which, the said Governor-General, in Council, has now by law a power of Legislation; but it is hereby enacted, that it shall be lawful for the Governor-General of *India*, in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act, with such exceptions as are herein-before mentioned, shall extend and apply to the carriage of Passengers upon any voyage, from any ports or places within the territories of the *East India Company*, to be specified or described in such Act or Acts, to any other places whatsoever, to be also specified or described in such Act or Acts, and also in like manner to authorise the substitution, as respects such voyages, of other equivalent articles of food and provisions for those herein-before enumerated, and to declare the rule of computation by which the length of any such voyage shall be estimated, and to confer the powers herein-before conferred upon Government Emigration Agent, and Collectors and Comptrollers of the Customs, with respect to ascertaining and deciding on the sea-worthiness of a ship, upon such Officers of the *East India Company*, as the said Governor-General, in Council, may think proper; and from and after the passing of such Act or Acts, and whilst the same shall remain in force, this Act shall, with such exceptions as are herein-before made as respects voyages from the Colonies, apply to and extend to the carriage of Passengers upon such voyages, as in the said Act or Acts shall be specified; which Acts shall nevertheless be subject to disallowance and repeal, and shall in the same manner be transmitted to *England*, and be laid before both Houses of Parliament, as in the case of any other laws or regulations, which the said Governor-General, in Council, is now by law empowered to make.

Mode of proceeding for recovery of penalties in India, to be regulated by the Governor in Council.

XLIX. And be it enacted, That it shall be lawful for the Governor-General of *India*, in Council, from time to time by an Act or Acts to be passed for that purpose, to declare in what manner, and before what authorities, and by what form of proceedings, the penalties imposed, and the sums of money made recoverable by this Act, shall be sued for and recovered, within any places or territories under the Government of the *East India Company*, and to what uses such penalties shall be applied.

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Act to extend to Foreign vessels.

L. And be it enacted, That the provisions, regulations, penalties, and forfeitures, set forth in this Act, shall extend, and be deemed to extend, to Foreign vessels carrying Passengers, upon any voyage from any port or place in the United Kingdom, or in the herein-before mentioned Islands, to or for any port or place out of *Europe*, and not being within the *Mediterranean Sea*, or upon any other voyage to which the provisions of this Act shall, for the time being, extend.

Act not to extend to cabin passengers.

LI. And be it enacted, That wherever the term "Passage" or "Passenger" is used in this Act, it shall be held not to include, or extend to the class of Passages or Passengers commonly known and understood by the name of Cabin Passages and Cabin Passengers.

Interpretation
of Act.

Title of the Act.

Commencement
of Act.

LII. And be it enacted, That in the construction of this Act, unless there be something in the subject or context repugnant to such construction, every word importing the singular number, or the masculine gender only shall be understood to include, and shall be applied to several persons, matters or things, as well as one person, matter or thing, and females, as well as males, respectively.

LIII. And be it enacted, That in all proceedings it shall be sufficient to cite this Act, by the title of "The Passengers Act."

LIV. And be it enacted, That this Act shall commence on the first day of October, one thousand eight hundred and forty-two, and not sooner.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)
Referred to in the 17th section of the Passengers Act.

Ship's name.	Master's name.	Tons, per Register.	Aggregate number of superficial feet in the several compartments set apart for steerage and intermediate Passengers.	Total number of Statute Adults the ship can legally carry.	Where bound.

I hereby certify, that the provisions actually laden on board this ship, according to the section of the Passengers Act, are sufficient for Passengers, computed according to the Act.

(Signed) } Master.

Date

Nominal List of Passengers.*

Ports of Embarkation.	Name of Passengers.	Adults.			Children under 14 years.			Profession, occupation or calling, of Passenger.	Port at which Passengers have contracted to be landed.
		M.	F.	Total.	M.	F.	Total.		
	Total number of souls equal to Statute Adults.								

* We hereby certify the above is a correct List of all the Passengers who embarked at the Port of

(Signed) Master.
(Countersigned) Officer of Customs.

N.B.—Lines should be ruled in the same Form, for any additions to the List after the ship first clears out, and similar certificates be subjoined to such additions, according to the requirements of the Act.

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SCHEDULE (B.) referred to in the 19th Section of this Act.

PASSENGER'S CONTRACT TICKET.

N. B. Any one receiving money from or in respect of any Passenger about leaving the United Kingdom for any place in North America, without using this Form, and correctly filling up the blanks therein, and signing it with his name in full, will be liable to a penalty not exceeding £10, for each such Passenger.

Ship....., of..... tons register burden, to sail from....., for....., on the..... day of....., 18.....

Names.	Ages.	Equal to Statute adults.	I engage that the parties herein named shall be provided with a steerage passage to....., in the ship....., with not less than ten cubic feet for luggage for each Statute adult, for the sum of £....., including head money, if any, at the place of landing, and every other charge; and I hereby acknowledge to have received the sum of £....., in full payment. Water and provisions, according to the annexed scale, will be supplied by the ship, as required by Law, and also fires, and suitable hearths for cooking. Utensils for eating and drinking will be provided by.....* Bedding will be provided by.....* Signature. N. B. If signed by a Broker or Agent, state on whose behalf. Date [At end of this contract insert the victualling scale which must in no case be less than required under the provisions of the Passengers Act.]	
* Fill up these blanks by stating in each case, whether the articles are to be supplied by the ship or by the Passenger.				

Deposit £

Balance £, to be paid at

Total £

SCHEDULE (C.) referred to in the 20th Section of this Act.
 FORM OF PASSENGER BROKER'S LICENCE.

A. B. * of, in the, having shewn to the satisfaction of us, the undersigned Justices of the Peace, in, (Quarter or Petty,) Sessions assembled, that he hath duly given notice to Her Majesty's, Colonial Land and Emigration Commissioners, of his intention to make application for a Licence to carry on the business of a Passage Broker, or Passage Dealer, in respect of passages to *North America*: We, the undersigned Justices, so assembled, as aforesaid, and having had no sufficient cause shewn to us why the said A. B. should not receive such Licence, do hereby Licence and authorise the said A. B. to carry on the business of a Passenger Broker, or Passage Dealer, as aforesaid, until the 31st day of December, in the year following the present year, unless this Licence shall be sooner determined by forfeiture for misconduct, on the part of the said A. B., as in the Passengers Act is provided.

Given under our respective hands and seals, this day of, 18, at, (L. S.)

Justice of the Peace.

....., (L. S.)

Justice of the Peace.

* The names in full, with the additions and address of the party applying for the Licence, must be correctly inserted.

SCHEDULE (D.) referred to in the 20th Section of this Act.
 FORM OF NOTICE to be given by Passage Broker to Her Majesty's Colonial Land and Emigration Commissioners.

Gentlemen,

I, A. B. of, in, do hereby give you notice, that it is my intention to apply, after the expiration of twenty-one

clear days from the putting of this notice into the Post, to the Justices to be assembled in the (Quarter or Petty,) Sessions, to be held for, for a Licence to carry on the business of a Passenger Broker, or Passage Dealer, in respect of passages to *North America*.

Signature,
Date,

To Her Majesty's Colonial Land
and Emigration Commissioners.

N. B.—The names in full, with the additions and address of the party, must be here correctly inserted.

N. B.—Name the place or District in which the party giving the notice resides.

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SCHEDULE (E.) referred to in the 21st Section of this Act.
FORM OF NOTICE to be given to Her Majesty's Colonial Land and Emigration Commissioners, of forfeiture of Passage Broker's Licence. Gentlemen,

This is to give you notice, that the Licence granted on the day of, 18, to A. B. — [The names in full, with the additions and address of the party, to be here inserted.] of, in, to act as a Passage Broker or Passage Dealer, was, on the day of, now last past, duly declared by us, the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited. [Here state the reason of forfeiture.]

Signatures.,

Date

To Her Majesty's Colonial Land and
Emigration Commissioners, }
London. }

Charles Bagot.

Timber duties.

The Governor-General transmits herewith, for the information of the House of Assembly, a copy of a Despatch, (No. 12, 1st October, 1841,) which he has received from the Secretary of State for the Colonies, communicating the answer which Her Majesty has been pleased to direct to be returned to the joint Address of the Provincial Legislature, passed during the last Session, on the subject of the duties levied on Timber in the United Kingdom; together with an extract containing the substance of a further Despatch (30th June, 1842,) from the Secretary of State, explaining the grounds on which the new arrangement of these duties was adopted.

Government House,
Kingston, 30th September, 1842.

(Copy.)
No. 12

Downing Street,
1st October, 1841.

Sir,

I have received Lord Sydenham's Despatch, No. 110, of the 26th August, enclosing joint Addresses to the Queen, the House of Lords, and the House of Commons, from the Legislative Council and Legislative Assembly of *Canada* on the subject of the Timber duties.

I have had the honor to lay before the Queen the Address to Her Majesty, and Her Majesty has commanded me to instruct you to inform the Council and Assembly, that it will be referred for the consideration and report of the Lords of the Committee of Her Privy Council for Trade. The result of their Lordship's deliberations on this important

subject, when notified to me, will be communicated to you, for the information of the Provincial Legislature.

The Petition to the House of Lords will be presented by the Earl of *Ripon*; that to the House of Commons has already been presented by Mr. *Hope*.

I have, &c.

Stanley.

Extract of a Despatch from Lord *Stanley* to the Governor-General, dated *Downing Street*, 30th June, 1842.
No. 186.

"It is the belief of Her Majesty's Government, confirmed by the discussions in Parliament, and with the Trade, that the new arrangement of duties is one which will not inflict on the capital and Trade of the Merchants and Lumberers of *Canada* generally, the injuries which they appear to apprehend.

"The price of Colonial Timber in this Country before the publication of the Tariff, not being such as to pay the expenses of the importer, or as to permit the trade to be carried on upon its late scale, "Her Majesty's advisers judged that nothing was so desirable for the "producing interest in *Canada*, as a revival of demand through the general improvement of Trade.

"With this view, these producers have, in common with other producers, being called upon to surrender a part of their protection, "but they are favourably distinguished from other producers in the compensation they will receive from the simultaneous reduction of the duty on their wood to a nominal rate, being thereby virtually freed "from any expenses and restrictions upon importation, and also admitted to an equal competition with the wood grower of this Country.

"With respect to the delay prayed for in making the alteration, I "have to observe, that Her Majesty's Government have been exposed "to continual and urgent solicitations, that they would give yet more "speedy effect to the change than they have proposed; and that in the "actual state of commerce, they are convinced that the result of any "longer delay, would infallibly have been to paralyze the Trade and "limit employment in this Country without any benefit to *Canada*, "by the maintenance of prices, which would still, in all probability, "have tended steadily downwards."

Charles Bagot.

Contingencies.

The Governor-General informs the House of Assembly that he has, in compliance with the prayer of their Address, issued his warrant in favour of *William Burns Lindsay*, Esquire, the Clerk of the House of Assembly, for the sum of £6,000 currency, towards defraying the current expenses of the House for the present Session; the House having undertaken to make good the same.

Government House,

Kingston, 30th September, 1842.

Timber duties.

Ordered — That two hundred and fifty copies of the Despatch on the subject of the Timber Duties be printed in each of the English and French languages, for the use of the Members of this House.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery.

Mr. Speaker,

The Legislative Council have passed the Bill intituled, "An Act "to restore, for purposes relative to the election of Members of the "Legislative Assembly, the ancient boundaries and limits of the cities "of *Quebec* and *Montreal*," without any amendment.

And also,

Quebec and
Montreal
boundaries.

Mutual Insurance Companies.

The Legislative Council have passed the Bill intituled, "An Act to amend certain Acts therein mentioned, relative to the establishment of Mutual Insurance Companies, in *Canada East*," with several amendments, to which they desire the concurrence of the Assembly.

And also,

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Petition of George McDonell, and others.

Legislative Council,
30th September, 1842.

Ordered — That the Master in Chancery do go down to the Legislative Assembly, and acquaint that House, that the Legislative Council do give leave to the Honourable Mr. *Alexander Fraser*, to go before the Select Committee of the Legislative Assembly, to which is referred the Petition of *George MacDonell*, and others, on the subject of the Military Road of the *Eastern* and *Ottawa* Districts on Saturday next, at ten o'clock a.m. to give evidence on the subject of the said reference, if he thinks fit.

Attest,

Charles de Léry,
Dy. Clk. Leg. Council.

And then he withdrew.

On motion of Mr. *Simpson*, seconded by the Honourable Mr. *Moffatt*,

Military Engineer, Saint Lawrence Canal.

Ordered — That the Message of His Excellency, the Governor-General, relative to the appointment of a "Military Engineer to inspect, " report, or superintend, the construction of the *St. Lawrence Canal*, "specially," be referred to the Special Committee to which were referred the documents laid before the House on the twentieth instant, by command of His Excellency, the Governor-General, relating to the *Beauharnois Canal*.

Sir Allan MacNab took up the consideration of His Excellency's Message, relative to correspondence of ((the)) Colonial Secretary, as to the appointment of an Engineer on ((the)) St. Lawrence Canal, in conformity with the Address moved by Mr. *Moffatt*, a few days since. He (*Sir Allan MacNab*) thought the whole despatch should be laid before the House, and not the selected extracts, which were not satisfactory. He concluded with some remarks on the despatch itself.¹⁷

Mr. Harrison thought that if his colleagues and himself were fit to sit in the Executive Council, they should have the privilege of judging what part of any despatch it was necessary to lay before the House. In reply to the remarks made by the gallant Knight, as to the despatch, he would state, that the Colonial Secretary did not know that the President of the Board of Works was a Civil Engineer of reputation, at home, and this, no doubt, was the reason of the suggestion, that a military engineer should be associated with him. This was objected to by the Provincial Government, on account of the two separate responsibilities and clashing of interests. A military engineer would have to correspond with, and be responsible alone to his superior officer: this would produce great delay. The Colonial Secretary then proposed the appointment of a civil engineer, but he (*Mr. Harrison*) did not know that the Province would be willing to incur this expense, when the gentleman at the head of the Board of Works, was an able and scientific engineer.¹⁸

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Police, Canada East.

Ordered — That one hundred copies of the said Message, with the extracts on the subject of the appointment of an Engineer, be printed for the use of the Members of this House.

A Bill to repeal certain Ordinances therein mentioned, relative to the establishment of a system of Police in *Canada East*, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Administration
of Justice.

A Bill to repeal certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relative to the administration of Justice, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Usury Laws.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend the Usury Laws," was, according to order, read a second time.

Resolved — That the said Bill be referred to a Special Committee, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Boulton*, Mr. *Cartwright*, Mr. *Quesnel*, Mr. *Roblin*, the Honourable Mr. *Hincks*, the Honourable Mr. *Viger*, and Mr. *Dunlop*, do compose the said Committee.

Salmon Fisheries,
Gaspe.

A Bill to regulate the Salmon Fisheries in the District of *Gaspé*, was, according to order, read a second time.

Resolved — That the said Bill be referred to a Special Committee, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered — That Mr. *Hamilton*, Mr. *Christie*, Mr. *Dunlop*, the Honourable Mr. *Neilson*, and Mr. *Taschereau*, do compose the said Committee.

Niagara
Incorporation.

A Bill to incorporate the Town of *Niagara*, and to establish a Police therein, was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, to-morrow.

Bacon's relief
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to authorise the Courts of Queen's Bench and Chancery to admit *William Vynne Bacon* to practise therein as Attorney and Solicitor, respectively," was, according to order, read a second time.

Ordered — That the said Bill be referred to a Committee of the whole House, on Monday next.

Freedom of
Elections.

The order of the day, for the House in Committee on the Bill to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Simpson* took the chair of the Committee;²⁰

Mr. Harrison said this was a similar bill to the one brought forward last session and from which the Royal Assent had been withheld in consequence of a Registry bill being tacked to it, and the object in bringing it forward now was to test the house on the Registration clause. If the house would support the clause of registration, it would be tested if they could waive that, then would there be no difficulty with it.²⁰

Mr. Draper opposed the Bill, if without the registration clause. It was the opinion of the House last Session that registration was desirable. The old system was bad; this Bill, without the registration clause, was bad. Frauds have been committed, and will be committed until this clause comes into effect. He could quote some instances of fraud, which this clause would prevent for the future. He would mention an instance of one, who came to the folks as a freeholder, having a house with a tenant in it. It turned out that his house was a cage, and its tenant a squirrel. This is well known to be a fact by many of the Honourable Members. Another, of one entitled to vote, having voted, on the following day returned with another coat, very dusty, and apparently fatigued with long travel, having a patent in his hand — which, by the way, was his brother's — and again voted. The present precautions are evidently insufficient: persons, when excited, lose sight of their morality, and are often led into a course which their cooler judgment condemns. This measure would obviate this system of frauds, and prove a most salutary check on elections. If you have a number of polls, there should be a list of electors, which could be formed by the assessors when in the performance of their duty; and a question should be proposed to each voter, as to whether he has before voted at the election.²¹

Mr. D. B. Viger called on the house to pass the bill in its present form, he was as anxious as any one for purity of election, and he could assure the members of this house that the proper registry bill would not be lost sight of.²²

Dr. Dunlop expressed himself in favour of the registration clauses : he was in favour of the purity of elections. It would be admitted that he knew something of Upper Canada, and he knew that it was required.²³

Mr. Dunscomb thought the Registration Clause was as necessary for the Lower Province as for the Upper. The same frauds were practised there, and it was equally necessary as in Upper Canada.²⁴

Mr. Neilson. — The object of the Hon. gentleman is to pass an Act, already passed the House, to prevent a repetition of the evils experienced at the last general election. Are we to reject the Bill, because we cannot get the Registration Clause ? — a Bill which has already passed the House.²⁵ He believed it would be preferable to have the registration clauses attached to it, but he would support it rather than lose it.²⁶

Mr. Moffatt said, that if his recollection served him, this Registration Clause served last session as an inducement to the passing of the Bill. The House almost unanimously voted for the Registration Clause. The cities in Lower Canada were anxious for it, and it would be of great advantage.²⁷ ((He)) would support the bill with the registration, but not without it.²⁸

Captain Steele would support the bill as it was now before them, he hoped it would pass, and by the next session a new measure of registration would be brought forward, perhaps the honourable gentleman opposite had a bill now ready cut and dry in his pocket.²⁹

Mr. Merritt said he took considerable pains in collecting material for a bill for Upper Canada and there was one now prepared. He did not feel himself warranted in supporting the bill without the registration clause.³⁰

or

Mr. Merritt should prefer it with the Registration Clause, but would vote for it as it was, in hopes of eventually getting such a clause.³¹

Mr. Cartwright, expressed ((himself)) ... strongly in favour of the Registration Clause ... giving notice that he would move for the insertion of this Clause on the third reading of the Bill.³²

Mr. Harrison did not intend to object to the registration clause at all. He objected to partial legislation. There were many good reasons for deferring the registration clauses, they only asked such a delay as will enable them to bring forward such measures as will serve for the general Province. He was favourable to a just and equitable system of registration, but it was no reason why the present measures before the house would be lost, because the registration was omitted — let the opinion of the house be expressed upon this Bill, let this measure be passed and the registration bill will follow.³³

Sir A. MacNab did not see why the measures should not be postponed. (Cries of no, no.) Why not ? The election ... writs have been issued for all the seats now vacant, except Mr. Duggan's, he supposed they wanted to carry those elections and provide a new bill.³⁴

Mr. Boulton thought the Bill so bad, that the country would clamour for the Registration Clause. On this principle he would vote for it ; possibly it is the quickest way to get the desired clause inserted.³⁵

Mr. Roblin thought they were likely to pass the Bill. Some were in favour of it, because it was a good measure ; and the Hon. Member who had last spoken would vote for it, because it was a bad measure. He (Mr. R.) had no objection to the Registration Clause, but was content to accept the Bill as now proposed.³⁶

The question was then loudly called for.³⁷

Mr. Boulton rose to speak³⁸.

((He)) was ordered to sit down by the Chairman, ((**Mr. Simpson**))³⁹.

((**Mr. Boulton**)) refused.⁴⁰

The Chairman ((**Mr. Simpson**)) left the Chair⁴¹ ... reported to the House, retook his seat⁴².

Cries of "question," were resumed.⁴³

Mr. Boulton persisted in speaking ; said he was not to be gagged by the Committee ; he would speak, and they could not stop him, he made some ... remarks, and sat down.⁴⁴

(90)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Simpson* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the report be received, to-morrow.

Measurement
of Timber.

The order of the day for the House in Committee, on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Derbshire* took the chair of the Committee ; and after some time spent therein,

The salary of the Supervisor, which was the only thing that provoked discussion, was settled at £300. — Yeas, 22 ; Nays, 21.⁴⁵

(90)

Mr. Speaker resumed the Chair,

And Mr. *Derbshire* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the report be received, to-morrow.

Ordinance to
be extended.

Ordered — That the Honourable Mr. *Harrison* have leave to bring in a Bill to continue, for a limited time, certain Acts and Ordinances, and to extend the provisions of one of the Ordinances so extended.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of Mr. *Morris*, seconded by Mr. *Boswell*,

Ordered — That the orders of the day that have not been disposed of, be postponed until to-morrow.

Then on motion of Mr. *Morris*, seconded by the Honourable Mr. *Hincks*,

The House adjourned.

Appendix, 30 September 1842.

((Withdrawn Motion Re : Agricultural Protection.))

Mr. Watts moved for leave to bring in a bill, pursuant to the third Resolution of Committee on Ways and Means, relative to agricultural protection. ((He subsequently withdrew his bill.))⁴⁶

Footnotes — 30 September 1842.

1. Presented by Mr. Smith, according to MONTREAL GAZETTE, 4 October 1842.
2. Presented by Mr. Moore, according to MONTREAL GAZETTE, 4 October 1842.
3. Presented by Sir Allan MacNab, according to MONTREAL GAZETTE, 4 October 1842.
4. Presented by Mr. Burnet, according to MONTREAL GAZETTE, 4 October 1842.
5. Presented by Mr. Moffatt, according to MONTREAL GAZETTE, 4 October 1842.

6. Presented by Mr. Moffatt, according to MONTREAL GAZETTE, 4 October 1842.
7. "Mr. Merritt moved that the Committee to whom was referred the petition of the Gore Bank, be instructed to take into consideration the propriety of repealing the double security clause," the MONTREAL GAZETTE, 4 October 1842, added.
8. The ensuing debate was reported in: BRITISH COLONIST, 5 October 1842; MONTREAL GAZETTE, 4 October 1842; and MONTREAL TRANSCRIPT, 4 October 1842.
9. MONTREAL GAZETTE, 4 October 1842.
10. IBID.
11. MONTREAL TRANSCRIPT, 4 October 1842.
12. IBID.
13. BRITISH COLONIST, 5 October 1842.
14. IBID.
15. MONTREAL TRANSCRIPT, 4 October 1842.
16. IBID.
17. MONTREAL GAZETTE, 4 October 1842.
18. IBID.
19. The debate on this bill was reported by: MONTREAL TRANSCRIPT, 4 October 1842; MONTREAL GAZETTE, 4 October 1842; and BRITISH COLONIST, 5 October 1842.
20. BRITISH COLONIST, 5 October 1842.
21. MONTREAL GAZETTE, 4 October 1842.
22. BRITISH COLONIST, 5 October 1842.
23. MONTREAL GAZETTE, 4 October 1842.
24. IBID.
25. IBID.
26. BRITISH COLONIST, 5 October 1842.
27. MONTREAL GAZETTE, 4 October 1842.
28. BRITISH COLONIST, 5 October 1842.
29. IBID.
30. IBID.
31. MONTREAL GAZETTE, 4 October 1842.
32. MONTREAL TRANSCRIPT, 4 October 1842.
33. BRITISH COLONIST, 5 October 1842.
34. IBID.
35. MONTREAL GAZETTE, 4 October 1842.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. He did so "in disgust" according to the MONTREAL GAZETTE, 4 October 1842.
42. MONTREAL GAZETTE, 4 October 1842.
43. IBID.
44. IBID.
45. IBID.
46. IBID.

Saturday, 1 October 1842.

11 o'clock a.m.

(90)

4 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table : —

By Mr. *Delisle*, the Petition of the *Montreal Board of Trade*.

By Captain *Steele*, the Petition of *John and James Wright*, of *Orilia*, county of *Simcoe*; the Petition of *Joseph Thompson*, and others, of the township of *Brock*, *Home District*, relating to Agriculture; and the Petition of *Joseph Thompson*, and others, of the township of *Brock*, *Home District*, relating to a road.

Police, Canada
East.

An engrossed Bill to repeal certain Ordinances therein mentioned, relative to the establishment of a system of Police, in *Canada East*, was read for the third time.

(91)

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

Administration
of Justice.

An engrossed Bill to repeal certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relative to the administration of Justice, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read :

Owen McMahon,
and others.

R. Jones,
and others.

Wm. Dixon,
and others.

Muni. Council,
Gore District.

Mutual
Insurance.

Pursuant to the order of the day, the following Petitions were read : —

Of *Owen McMahon*, and others, of the town of *Picton*, praying an aid for the improvement of the Harbour of the said town.¹

Of *R. Jones*, and others, of the county of *Missisquoi*, praying for a protecting duty on American produce introduced in this Province.²

Of *William Dixon*, and others, Messengers of the Legislative Assembly praying that they may receive an annual salary in lieu of a daily allowance.³

Of the Municipal Council of the *Gore District*, praying for certain amendments to the law regulating macadamized roads.⁴

On motion of Mr. *Yule*, seconded by Mr. *Dunscomb*,

Ordered — That the amendments made by the Legislative Council, to the Bill intituled, "An Act to amend certain Acts therein mentioned, "relative to the establishment of Mutual Insurance Companies, in "Canada East," be now taken into consideration.

The House proceeded accordingly, to take the said amendments into consideration.

And the said amendments were read, and are as followeth :

Press 1, line 21. — Leave out "county" and insert, "counties."

Same line. — After "Chambly" insert, "Leinster, Ottawa, Vaudreuil, "and *Missisquoi*."

In preamble, line 8.—After “Petition” insert, “and to extend the provisions thereof, to the other counties hereinafter mentioned.”

And the said amendments being again read, they were agreed to by the House.

Ordered—That Mr. Yule do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

On motion of Mr. Parent, seconded by Mr. Quesnel,

Ordered—That two hundred copies of the Journal, and Appendix of this House, be printed in the French language for the use of the Members thereof, in lieu of one hundred copies which were ordered to be printed during the last Session.

French Journals.

Report on British
Fire and Life
Assurance
Com'y.

Mr. Boulton from the Special Committee, to which was referred the Petition of the British *America* Fire and Life Assurance Company, presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth :

“Your Committee after having maturely examined the contents of the Petition referred to them, have come to the unanimous opinion that the prayer thereof should be granted.”

Resolved—That this House, doth concur with the Special Committee in the said Report.

Ordered—That Mr. Boulton have leave to bring in a Bill, to extend the powers of the British *America* Fire and Life Assurance Company, to Marine Assurances.

He accordingly presented the said Bill to the House ; and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of the Honourable Mr. Harrison, seconded by Mr. Parke,

Resolved—That this House do now resolve itself into a Committee of the whole House, to consider the expediency of repealing certain Acts and Ordinances of the Legislature of Lower Canada, and to remove doubts as to the repeal of certain others.

The House accordingly resolved itself into the said Committee.

Mr. Durand took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Durand reported that the Committee had come to a Resolution ; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved—That it is expedient, to repeal certain Acts and Ordinances of the Legislature of Lower Canada, and to remove doubts as to the repeal of certain others.

Ordered—That the Honourable Mr. Harrison have leave to bring in a Bill, to repeal certain Acts and Ordinances of the Legislature of Lower Canada, and to remove doubts as to the repeal of certain others.

He accordingly presented the said Bill to the House ; and the same was received and read for the first time, and ordered to be read a second time, on Tuesday next.

On motion of Mr. Boulton, seconded by Mr. Christie,

Resolved—That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a Return of the names of all persons to whom any Pension has been granted during the years 1839, 1840, 1841, 1842, with the date of each grant, and the occasion of granting the same, and the amount thereof, and also the age of the person receiving such Pension at the time of such grant, and the period for which the same has been granted.

Ordinances,
Lower Canada.

Address to His
Excellency, for
names of
pensioners.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Freedom of
Elections.

Mr. Simpson, from the Committee of the whole House, on the Bill to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned, reported, according to order, the amendments made by the Committee to the said Bill; which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Admeasurement
of Timber.

Mr. Derbyshire, from the Committee of the whole House, on the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and for other purposes relating to the same, reported, according to order, the amendments made by the Committee to the said Bill; which amendments were again read at the Clerk's table, and agreed to by the House.

The Honourable Mr. Moffatt moved, seconded by Mr. Simpson, That the following clause be added to the said Bill, and do follow the thirty-first clause thereof :

(92)

" Provided always, and be it enacted, That nothing in this Act shall extend to the port of Montreal, or to any place within the same, "or to any lumber arriving in the said port, or shipped for exportation "by sea, from the same, any thing in any of the foregoing clauses to "the contrary notwithstanding."

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Armstrong, Burnet, Child, DeWitt, Forbes, Hamilton, Jones, Kimber, J. S. Macdonald, Moffatt, Morris, Powell, Simpson, Sherwood, Thompson, and Yule. (16.)

NAYS.

Barthe, Berthelot, Black, Boutillier, Boulton, Cameron, Christie, Dunlop, Durand, Foster, Hale, Harrison, Hincks, Hopkins, Leslie, D. McDonald, Moore, Noel, Papineau, Roblin, Harmannus Smith, Steele, Taschereau, D. B. Viger, and L. M. Viger. (25.)

So it passed in the negative.

Mr. Cameron moved, seconded by Mr. Christie, That the said Bill, as amended, be engrossed.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Armstrong, Barthe, Berthelot, Boutillier, Cameron, Child, Christie, De Witt, Durand, Foster, Harrison, Hincks, Hopkins, Kimber, Leslie, Sir Allan N. MacNab, D. McDonald, J. S. Macdonald, Moore, Morris, Noel, Papineau, Powell, Harmannus Smith, Sherwood, Steele, Taschereau, Thompson, D. B. Viger, and L. M. Viger. (30.)

NAYS.

Black, Burnet, Boulton, Forbes, Jones, Neilson, Simpson, and Yule. (8.)

So it was carried in the affirmative ; and,
Ordered — Accordingly.

The Honourable Francis Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor-General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth :

Charles Bagot.

£25,000 asked.

Report of Select Committee on Estimates.

£15,000 sterling, to be advanced.

And £25,000.

Emigrant Agent.

Niagara Incorporation.

Public Lands.

The Governor-General submits to the House of Assembly, that in order to enable Her Majesty to meet the necessary and indispensable expenses of the Government of this Province, from the 1st January to the 31st March 1843, not otherwise provided for, there be advanced a sum of twenty-five thousand pounds, Sterling, to be accounted for in detail at the opening of the ensuing Session of the Legislature.

Government House,
Kingston, 1st October, 1842.

The Honourable Mr. Hincks, from the Select Committee to which were referred the Message of His Excellency, the Governor-General, accompanying the Estimates for the year 1842, together with the documents connected therewith, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth :

"That your Committee have taken into consideration the Message "of His Excellency, the Governor-General, and the accompanying "Estimates for sums required for the service of the year ending 31st "December 1842, and not otherwise provided for; and also the noti- "fication made on the part of the Executive Government, that the "present Session is to be of short duration :

"Your Committee have come to the conclusion that it is impracticable to complete a full investigation of the whole financial affairs "of the Province, and the particular items of the aforesaid Estimates, "and have therefore agreed to the following Resolutions, with a "view of enabling the Government to meet the necessary and unavoidable expenditures up to the close of the first quarter of the ensuing "year; which Resolutions your Committee beg to recommend for the "adoption of your Honourable House.

"*Resolved*—That in order to enable Her Majesty to meet the "necessary and indispensable expenses of the Government of this "Province for the year 1842, not otherwise provided for, there be "advanced a sum of seventy-five thousands pounds, Sterling, to be "accounted for in detail at the opening of the ensuing Session of the "Legislature.

"*Resolved*—That there be advanced to Her Majesty, for a like "service, from the 1st of January to the 31st March, 1843, the sum "of twenty-five thousand pounds, Sterling, to be accounted for, as "aforesaid."

Ordered—That the said Report be referred to the Committee of Supply, on Monday next.

Ordered—That the Message of His Excellency, the Governor-General, with the accompanying Report of Dr. Rolph, Agent for Emigration, be referred to the said Committee.

The order of the day for the House in Committee, on the Bill to incorporate the town of Niagara, and to establish a Police therein, being read,

On motion of the Honourable Mr. Viger, seconded by Mr. Boulton,

Ordered—That the said order of the day be discharged.

The order of the day for the House in Committee, to take into consideration the expediency of amending an Act passed in the last Session of the Legislature, "For the disposal of Public Lands," being read,

The House accordingly resolved itself into the said Committee.

Mr. Boutillier took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Boutillier reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient to amend the Act passed in the last Session of the Legislature, 4 & 5 Victoria, Chapter 100, for the disposal of Public Lands.

Ordered — That Mr. Christie have leave to bring in a Bill to explain an Act therein mentioned, relating to the disposal of Public Lands, and to prevent, in Lower Canada, the surreptitious sale of Lands possessed by right of occupancy and improvement, as personal goods, by the Sheriffs.

He accordingly presented the said Bill to the House and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Registration Bill.

The order of the day for the House in Committee, on the Bill to extend the time allowed by the Ordinance therein mentioned, for the registration of certain charges or incumbrances on real estate, being read,

The House accordingly resolved itself into the said Committee.

Mr. Dunlop took the chair of the Committee;⁶

A Resolution was introduced to postpone the operation of the law for twelve months longer.⁶

Mr. D. B. Viger said the laws of Lower Canada were favorable to the acquisition of property, but this registry ordinance would entail an expense of £5000 on the Seignory of Montreal alone, and how many tens of thousands throughout the province, he could not tell. On this account alone it was necessary to extend the time in order to distribute the expense on a longer period.⁷

Mr. Moffatt said, the members of Canada West hardly knew how the East was situated on this matter. The West had great facility for guarding titles to real estate, but it was not so in the East. The hon. member for Richelieu had spoken of the facility for acquiring land, but there was no facility for ascertaining the title, and there were many incumbrances on land which it was impossible to know. General mortgages might be known and done away, but other incumbrances could not. There had been 18 months' notice of the ordinance, and it had been in operation since September last for current transactions, but not for past. Had it been only a short delay that was asked, he would not have opposed it, but 12 months was too long. The law may be made more perfect than it is, but it will not take 12 months to do that. Customary dower in Lower Canada gives to the children of a marriage half of the real estate the father had when he married. He would ask the hon. member for Richelieu for some explanation on the subject.⁸

Mr. D.B. Viger explained the law of customary dower giving half the estate to the children. He had been 50 years in practice, and never heard any complaints. The law requires study. If he were to talk of trade, without having been in a merchant's counting house, he would be laughed at. And so it was with the laws of the country. An English gentleman had bought a tract of 120 square miles in Lower Canada, quite a principality, which showed that he had no fear of titles. He had some property himself, and it was quite as dear to him as any other man's and he felt quite secure about titles.⁹

Mr. Moffatt interrupted, and said he asked for an explanation, but the hon. gentleman was going into the whole question. Mr. M. then gave instances of the injurious operation of customary dower. He had himself bought property in Montreal in 1816, which cost £3,500, and took a Sheriff's title, thinking to cut off all claims, and paid the seller and his children all claims. — But 6 or 8 years after, the seller died, and one of his children came and said the father had been married three times, and they had a right of dower in that property. He found it was so. The claim was never enforced, for they got ashamed of it, but the law would have given it to them; yet he had had the best legal advice in making his bargain and drawing his deed. How then were emigrants generally to be protected! The house with which he was connected had bought property in 1795; and after having it in possession 20 years, a claim was made against it for dower. — The Legislative Council of Lower Canada had collected a body of evidence on this subject, which was on their journals, accessible to members, and would show the necessity of a registration of deeds to discover mortgages, which it was otherwise hard or important to discover. Emigrants asked for a registry law, and ten years ago we were told to wait and a measure should be prepared, but nothing was

done. Twelve months more are now asked, and then it would be the same. He appealed to gentlemen opposite, now that they have power to use it with moderation, and grant justice to the English settlers in Lower Canada. Confidence cannot be acquired at once, but let them set out with this. We ask no favor from them, but to be made secure in the possession of property. Why do English leave Lower Canada, but in order to invest their money where it will be secure. The difference in prosperity between Upper and Lower Canada, is greatly owing to the different laws relating to property, and if you would see Lower Canada prosperous, you must render the title to property secure and its validity easily ascertained. Lands brings (sic) little there now, because there is no sale, no demand, and therefore the habitants cannot pay. — Merchants do not prosecute, because land brings no price. The ordinance was drawn up by Chief Justice Stuart, and could not be imperfect as some had represented; but he was willing to admit of modifications if they would allow him to preserve the main points of the measure unimpaired. Mr. Moffatt then moved that the time be extended six months only.¹⁰

Mr. Quesnel explained the law of Lower Canada on the question, saying that marriages were generally made with contracts, but when not so made, the law stepped in, and provided that the children of the marriage should have half of the father's property. He admitted that in some cases mortgages (sic) could not be known, or with great difficulty, but the ordinance was defective and oppressive, inasmuch as it required the registration of all deeds, &c. passed by the seigneur whereas these ((were)) all on record in his office, and full information regarding them can be had for nothing by any intending purchaser. Thus a double registration was imposed, and a vast needless expense incurred. He then moved an amendment, repealing the ordinance so far as it concerned seigniorial rights. This not being in order, was withdrawn for the present.¹¹

Mr. D.B. Viger said that he had not been opposed to registration; and the want of prosperity in Lower Canada was owing to the government. The law of the country was blamed, but it was not in fault. He and his wife had been 27 years ago in law for a property that belonged to them, and after being deprived of it for 14 years, judgment was given in their favor, but the man had then failed and they lost £60,000. Yet he wo'd not therefore impeach the law, although it might have been more speedy in its decisions. He could have guarded the gentlemen (sic) opposite from the losses he complained of, had he been applied to. He had proposed 20 years ago to establish bureaus of record on principles of justice to all. Had advised gentlemen how to guard property, and had proposed a law for the purpose; but there was such an outcry against it, that he had to abandon it. The ordinance was said to have been drawn up by a man of talents. He admitted it. Chief Justice Stuart was not his best friend, but he had always admitted his talents. But, as was said in regard to the "*Code Civil*," Judges are bad legislators (sic). They cannot always generalize their ideas so as to embrace all the diversified matters that a law should comprehend. He would say, — and say it with gratitude for the recent changes, — that if the government had always been administered as it is now, with and for the people, instead of against them, these and other desirable reforms would have been made long ago.¹²

Mr. Parent said it was highly expedient to extend. He had difficulty in making himself understood in English, and thought all would admit the necessity of extending the time. The quantity of papers to be registered is innumerable; for if a note of £10 or £12 or indeed any sum, however small, was passed before a notary, it operated as a mortgage. The law is so defective, and the people's mind so set against it, that but few deeds have been registered, in fact only those of the current year. Few old deeds have been registered. The Eastern townships had asked for a registration act, and it was passed; but although they are new, and consequently had but few deeds to register compared with the seignories, after the act had passed they asked for a year's delay. Therefore how much more must it be required for the old settlements, in which the number of deeds is a hundred to one in the townships. The great expense is another reason why it should be extended to a longer period, and give more facility. In the old parishes almost no farmer has his land in one block, but it has been acquired in several lots, making more deeds. And the number is generally increased by the securities which are generally given, and which are also to be registered. Delay is therefore necessary and another year will hardly be sufficient.¹³

Mr. Hincks had listened with interest to the hon. member for Montmorency. No one objects to the principle of registration. The objection is to the defects of the ordinance, and of want of sufficient time. This is one of the measures that should come under the consideration of government. They were never in a position to do so successfully before, because the government never had in it men who enjoyed the confidence of the Lower Canadians, as it now has.

The honorable member for Montreal had appealed to them against delay, and no delay could be charged. The Members of Government now absent from this House, ought to be present to consider the subject. Grant the delay now asked, and government would be prepared with a measure next session, which he hoped would be satisfactory to all parties. There was nothing extraordinary in asking for delay, for the Special Council had taken three years to pass the registration ordinance, and then left the time for bringing it into operation by proclamation, — and 12 months notice was allowed by the proclamation, — all shewing that this was felt to be a difficult subject, and showing also the necessity of delay. — By postponing the measure, government will have time to consider it, and a good measure will probably be matured, now that they have the assistance of the hon. gentlemen from Lower Canada.¹⁴

Mr. Cameron understood that the hon. member from Richelieu and his friends were opposed to registration — opposed to the principle involved.¹⁵

Cries of no, no, no, from the French Canadian members.¹⁶

((**Mr. Cameron** continued :)) If they were favorable to the principle, he would vote for delay in executing it.¹⁷

Mr. Black rose amidst cries of question. Said he had not obtruded himself on the House. — Thought the question was, should the law be postponed to a definite or an indefinite time. If there was a time fixed when the law should come into operation, the delay was of little consequence. — In the state of the law in Lower Canada, it was impossible to know secret incumbrances on property. To prove this he would quote part of the evidence collected on this point by the Legislative Council of Lower Canada. (**Mr. Black** here read the opinions of gentlemen long resident, among them that of Mr. Neilson, who had replied to the queries by saying "It is possible in some cases, in others not, or very difficult and expensive.") The government had not been successful in their mode of bringing the law into operation. If they had meant to make it offensive to the people, they could not have done it more effectually. First in the absurd division of districts. Next in fixing the places for holding the registry offices, which in many cases are quite away from the populous parts of the districts in some extreme point as Nicolet where the office is fixed at Drummondville; and in other places the selection is equally objectionable. If Government had had any one to give them just information they would have known better than to fix the offices in extreme points instead of centres. Such selections were not, to use a rather hackneyed phrase, in accordance with the "well understood wishes of the people". Again, in selecting persons to fill the offices of registrars, they were mostly strangers, with whom the people had no sympathy; and taking all things into account, it was no wonder that the law had encountered almost universal opposition, passive, but effectual. He was not disposed to condemn the measure by wholesale, but it was not perfect.¹⁸

Mr. Boulton thought the ordinance very defective, as it seemed from the explanations of the hon. member for Montmorency, that many things were required to be registered that were not necessary.¹⁹

Mr. Moffatt said, it seems the opposition is for delay, — not against registration itself.²⁰

Mr. Parent, — the mode.²¹

Mr. Moffatt. Ah! there it is! The mode, and then the necessity. It is as he expected, there is an aversion to the thing. The six months delay proposed by him is sufficient to protect the measure, and if there be a sincere desire for it that time is enough. The hon. member for Montmorency has said there was facility for knowing incumbrances, but he thought not, as a notary is not required to produce deeds.²²

Mr. Harrison said there was no difference that was material, for all agreed in the necessity of registration. Amendments were required in the law, and the length of delay was immaterial. In passing the new law, they could fix the time for bringing it into operation.²³

Mr. Neilson said there was one thing about this law that required it to be amended — it was passed by an incompetent authority — the Special council not being authorized to make permanent laws.²⁴

Sir A. MacNab recommended them as they had the power, to repeal all the ordinances of the Special council at once, rather than bit by bit.²⁵

The resolution for 12 months delay was then carried by a large majority.²⁶

Mr. Quesnel's resolution going to repeal that part of the ordinance which requires the registration of seigneurial deeds, &c. was then put and carried.²⁷

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Dunlop* reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Debtors'
detention.

The order of the day for the House in Committee on the Bill to provide for the detention and conveyance to Gaol, of debtors, in certain cases, within *Canada West*, being read,

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The House accordingly resolved itself into the said Committee.

Mr. *Taché* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair.

**Petition of
Mrs. Bouchette.**

The order of the day, for the House in Committee, on the Report of the Special Committee to which was referred the Petition of *Mrs. Adelaide Bouchette*, of *Quebec*, widow of the late *Joseph Bouchette*, Surveyor-General, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Watts* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. *Watts* reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, on Monday next.

**Petition of
Wm. Ross,
and others.**

The order of the day, for the House in Committee, on the Report of the Select Committee to which was referred the Petition of *William Ross*, and others, being read,

Ordered — That the said order of the day be postponed, until Monday next.

**Petition of
George S. Boul-
ton, Esq.**

The order of the day, for the House in Committee, on the Report of the Special Committee to which were referred the Petition of *George S. Boulton*, Esquire, of *Cobourg*, and the Petition of the President, Directors and Company, of the *Cobourg Harbour Company*, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Williams* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. *Williams* reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient to authorise, by an Act of the Legislature of this Province, an extension of time for the re-payment of the loan of three thousands pounds to the *Cobourg Harbour Company*, to a period not exceeding five years.²⁸

**Cobourg Har-
bour loan.**

Mr. Williams who had been in the chair in committee, replied to some remarks that had been made by saying the Government had assumed the Cobourg Harbor.²⁹

Mr. Hincks dissented. The Government had engaged to finish the harbor and have the tolls made over to them as security for the money that may be expended; that did not at all absolve the company from their existing debts. The loan to the company was secured on the real estate of one of the stockholders. That gentleman was no friend of his, but he

thought the Province was indebted to him for the manner in which he had come forward, and pledged his estate for the construction of the harbor.³⁰

Sir Allan MacNab said he was something in the same situation with respect to the Desjardin's Canal, with this difference however that it paid next to nothing; and he hoped the Government would assume all the harbors in the province.³¹

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Ordered — That Mr. *Boswell* have leave to bring in a Bill, to extend the time for the payment of the loan to the *Cobourg Harbour Company*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Report on printing.

The order of the day, for the House in Committee, on the First Report of the Standing Committee, appointed to superintend the Printing of this House, during the present Session, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Turcotte* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. *Turcotte* reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That this House doth concur with the Standing Committee, in the said Report.

Real Estate,
Canada West.

The order of the day, for the House in Committee, on the Bill to afford relief, in certain cases, to sellers of Real Estate, in *Canada West*, being read,

Ordered — That the said order of the day be postponed, until Monday next.

Church Temporalities.

The order of the day, for the House in Committee, on the Bill to make provision for the management of the Temporalities of the United Church of *England* and *Ireland* in the Diocese of *Quebec*, in this Province, and for other purposes therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Hopkins* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. *Hopkins* reported that the Committee had gone through the Bill, without making any amendment thereto; and the report was again read at the Clerk's table.

Ordered — That the said Bill be engrossed.

Quebec gas light.

The order of the day for the House in Committee, on the Bill to incorporate a Company, under the style of "The *Quebec Gas Light and Water Company*," being read,

The House accordingly resolved itself into the said Committee.

Mr. *Boulton* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Boulton* reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received on Monday next.

Commercial Bank.

The order of the day, for the House in Committee, on the Bill to extend the Charter of the Commercial Bank of the *Midland District*, and to increase its Capital Stock, being read,

The House accordingly resolved itself into the said Committee.

Mr. Barthe took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Barthe reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, on Monday next, and that it be then the first order of the day.

Upper Canada
Bank.

The order of the day, for the House in Committee, on the Bill to extend the Charter of the Bank of *Upper Canada*, and to increase the Capital Stock thereof, being read,

Ordered — That the said order of the day be postponed, until Monday next, and that it be then the second order of the day.

On motion of the Honourable Mr. Draper, seconded by Mr. Taschereau,

Ordered — That the engrossed Bill from the Legislative Council, intituled, "An Act to confirm certain Rules, Orders and Regulations, "made by the Chief Justice and Judges of Her Majesty's Court of Queen's Bench, for *Canada West*," be read a second time, on Monday next.

Then on motion of Mr. Morris, seconded by Mr. Taschereau,

The House adjourned, until Monday next, at eleven o'clock, a.m.

Appendix, 1 October 1842.

((Notice of Proposed Motions.))³²

Mr. Christie gave notice that he will, on Monday next, the 3rd instant, move to resolve, that this House do, on the 4th instant, form itself in Committee on the Message of His Excellency the Governor General, of the 24th ultimo, relating to the Seat of Government.

That the said Message, and the Despatch from Her Majesty's Secretary of State for the Colonial Department, accompanying the same, be referred to the said Committee.

That, in Committee, he will also move to resolve, as the opinion of this House,

That it is the undoubted prerogative of the Crown, and conformable to the positive enactments of the Statute of the Parliament of the United Kingdom, under which this House is constituted and assembled, "that the place or places within any part of the Province of Canada for holding each and every session of the Legislative Council and Assembly, should be fixed under the authority of the Crown."

That it is the opinion of this Committee, that the building in which the Legislative Assembly is now held, and which was indeed, many years ago, erected for a different purpose, does not afford sufficient accommodation to enable Members to discharge their duty to their constituents with due enquiry and sufficient deliberation, and that the locality of Kingston is not central to the majority of the population, and is badly provided with accommodation for the residence of the Members, particularly during the winter which is the season they can attend to their Legislative duties with the smallest sacrifice of the general interests.³³

Footnotes — 1 October 1842.

1. Presented by Capt. Steele, according to MONTREAL GAZETTE, 4 October 1842.
2. Presented by Hon. Robt. Jones, according to MONTREAL GAZETTE, 4 October 1842.
3. Presented by Mr. Morris, according to MONTREAL GAZETTE, 4 October 1842.
4. Presented by Mr. Thomson, according to MONTREAL GAZETTE, 4 October 1842.
5. This debate was reported in : MONTREAL GAZETTE, 4 October 1842 ; EXAMINER, 12 October 1842 ; and MONTREAL TRANSCRIPT, 6 October 1842.
6. MONTREAL GAZETTE, 4 October 1842
7. EXAMINER, 12 October 1842.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.

15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.

27. IBID., which commented: "The seigneurs were willing to grant delay to the censitaires, but others were registering their claims and unless the seignor registered his they would be lost."

28. The following debate was reported by: EXAMINER, 12 October 1842; and MONTREAL GAZETTE, 4 October 1842.

29. EXAMINER, 12 October 1842.

30. IBID.

31. IBID.

32. Christie's notice was reported by: MONTREAL GAZETTE, 4 October 1842; LA MINERVE, 3 October 1842; EXAMINER, 12 October 1842; and MONTREAL TRANSCRIPT, 6 October 1842.

33. MONTREAL GAZETTE, 4 October 1842.

Monday, 3 October 1842.¹

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Bank, British
North America

Mr. Speaker laid before the House, a general Statement of the affairs of the Canadian Branches of the Bank of British *North America*,

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received in conformity to an order of the House, of the 17th ultimo.

[For the said Statements, see Appendix (R.) at the end of this Volume.]

Mr. Killaly
returned for
London.

Mr. Speaker informed the House, that the Clerk of this House had received from the Clerk of the Crown in Chancery, a certificate of the Election of a Member for the town of *London*, in the room of the Honourable *Hamilton H. Killaly*, who, since his Election, hath accepted the Office of President of the Board of Works, of this Province.

And the said certificate was read, and is as followeth : —

Office of the Clerk of the Crown in Chancery,
Kingston, 1st October, 1842.

Province of *Canada*.

This is to certify that, in virtue of a Writ of Election, dated the 12th day of September, last past, issued by His Excellency, the Governor-in-Chief, and directed to the Returning Officer of the town of *London*, (*James Givens*, Esquire,) for the Election of a Member for the said town of *London*, in the room of the Honourable *Hamilton H. Killaly*, whose seat had become vacant by his acceptance of the Office of President of the Board of Works, of the Province of *Canada*, the Honourable *Hamilton H. Killaly* has been returned as duly elected, accordingly, as appears by the Return of the said Writ, dated the twenty-eighth day of September, last past, which is lodged of record in my Office.

Felix Fortier,
Clerk of the Crown in Chancery.

To *W. B. Lindsay*, Esquire,

Clerk of the Legislative Assembly.

1 Petition
brought up.

The following Petition was brought up, and laid on the table : —
By the Honourable Mr. *Draper*, the Petition of the District Council of the *Ottawa* District.

Freedom of
Elections.

An engrossed Bill to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned, was read for the third time.

The Honourable Mr. *Harrison* moved, seconded by the Honourable Mr. *Hincks*, That the Bill do pass, and the title be, "An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned."²

Mr. *Draper* stated that he intended to make a motion connected with it. He had upon a former occasion stated his objections to the Bill, not that the Bill was imperfect as far as it went, but solely upon the ground that the qualification clauses were not attached. Many hon. members in the house agreed with him upon the point, and he now wished them to sanction the course he was about to take with their votes, and he thought the cabinet that had last year introduced a Bill, and passed it through this house, containing such clauses,

could not without inconsistency object to what he was about to propose. He did not oppose the present Bill either from the feeling that it was wrong in itself, or from the desire to offer opposition to the ministry, but simply because he would like to give it to the country in the most perfect form possible.³

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The Honourable Mr. *Draper*, moved in amendment, seconded by Sir *Allan N. MacNab*, That the said Bill be re-committed to a Committee of the whole House, for the purpose of being amended, by adding the following clauses :

" And whereas it is expedient to provide for the registration of the names of persons having the right by law to vote at the Election of Members of the Provincial Parliament, for the several cities, towns, and boroughs, in this Province, entitled to send Members to such Parliament, and also of those having the like right in the several counties and ridings in that part of this Province heretofore composing the Province of *Upper Canada*, and in some of the counties of that part of this Province heretofore composing the Province of *Lower Canada*, and being in like manner entitled to send Members to such Parliament : Be it therefore enacted, That for each ward of every city, town, or borough, in this Province, entitled to send a Member or Members to the Provincial Parliament, and for every township in that part of this Province heretofore forming the Province of *Upper Canada*, two Assessors shall hereafter be appointed or elected in the same manner as one such Assessor is now by law appointed for any such ward or township.

" And be it enacted, That before the first day of March in each and every year, the Assessors for each of such wards and townships, and for every township in the counties of *Sherbrooke*, *Stanstead*, *Shefford*, and *Missisquoi*, in *Lower Canada*, shall respectively make up, in duplicate, an alphabetical list of all the persons residing therein, and qualified to vote at Elections of Members to serve in the Provincial Parliament of this Province, in respect of property lying within such wards and townships, respectively, naming the lot, concession, street or locality, in which the property, in respect of which such Elector is so qualified, shall be situate ; which list shall be made at the time when the assessments of rates are made, and shall be intituled, ' Original list of persons 'residing in the ward (or township) of , in the city (town 'or borough, county or riding, as the case may be,) of , 'qualified to vote at the Election for a Member (or Members, as the 'case may be,) to represent the city, (town or borough, county or riding, 'as the case may be,) of , in the Provincial Parliament, 'in respect of property lying within the said ward, (or township, as 'the case may be,) of , in the city, (town, borough, 'county or riding, as the case may be,) aforesaid ;' and such Assessors of each of such wards and townships, respectively, shall, on or before the first day of March in each year, (or if such day be a Sunday, or other holy-day on which no business is usually transacted, then on the next day which shall not be so,) make oath before some Justice of the Peace, (who is hereby authorised to administer such oath,) that to the best of their knowledge and belief, such list is faithful and correct, and that they have not wilfully entered therein the name of any person not qualified to vote in the manner therein mentioned, nor omitted therefrom the name of any person qualified to vote, and that they have used due diligence in making the said list ; and such oath shall be written at the foot of such list and shall be signed by the Assessors, and attested by the Justice of the Peace before whom it shall be taken ; and copies of such list shall be posted up by the said Assessors, or one of them, in not less than three of the most conspicuous places in such ward or township, on or before the day, aforesaid in each and every year, and remain so exhibited

for public inspection, until the thirty-first day of the said month of March inclusive.

" And be it enacted, That one of the duplicates of such original list shall remain at the office or residence of each of the Assessors by whom they shall have been respectively made, and shall, during the month of March, be open to the public at all seasonable hours, and on all days, except Sundays and other holy-days on which no business is usually transacted ; and during the month of March, the Assessors, and each of them by whom such original list was made, respectively, shall receive the claims of all persons who being omitted from such original list, may deem themselves entitled to be entered therein, and the objections of all persons to the insertion of any name or names in such original list, and shall keep a list of such claims and objections, which shall be open to all persons, as aforesaid, during the said month of March ; and in case the said Assessors shall have reason to believe, either upon the information of the party interested, or otherwise, that they have erroneously inserted or omitted any name in making out such list, it shall and may be lawful for such Assessors, and they are hereby required to amend such list, by inserting or striking out such name in or from such original list, at any time on or before the thirty-first day of the said month of March in each year ; and upon that day, (or if it be a Sunday or other holy-day on which no business is usually transacted, then upon the next day thereafter which shall not be so,) and whether they shall have made any such amendments or not, such Assessors shall, respectively, make up, in duplicate, a second alphabetical list of all such persons so qualified, as aforesaid ; which said second list shall be intituled, 'Amended list of persons residing 'in the ward (or township) of , in the city (town or

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'borough, county or riding, as the case may be,) of , 'and qualified to vote at the Election for a Member (or Members, as 'the case may be,) to represent the said city (town or borough, county 'or riding, as the case may be,) of , in the Provincial Par- 'liament, in respect of property lying within the said ward (or township, 'as the case may be,) of , in the city, (town, borough, county 'or riding, as the case may be,) aforesaid ;' which said amended list shall be attested in the same manner as the said original list ; and copies of such amended list shall be posted up by the said Assessors, or one of them, in the same places in which copies of the original list were respectively posted in each ward or township, on the first day of April in each year, (or if that day be a Sunday or other holy-day on which no business is usually transacted, then upon the next day thereafter which shall not be so,) and shall remain so exhibited for further public inspection until the thirtieth day of the said month of April, inclusive.

" And be it enacted, That one of the duplicates of such amended list shall remain at the office or residence of each of the Assessors by whom they shall have been respectively made, and shall, during the month of April, be open to the public at all seasonable hours, and on all days, excepting Sundays or other holy-days on which no business is usually transacted ; and during the month of April, the Assessors, and each of them by whom such amended list was made, respectively, shall receive the claims of all persons who, being omitted from such amended list, may deem themselves entitled to be entered thereon, and the objections of all persons to the insertion of any name or names in such amended list ; and shall keep a list of such claims and objections, as well as of the claims and objections which had been made to the said original list, and not allowed by such Assessors in making up such amended list ; which list of claims and objections shall be open to all persons, as aforesaid, during the whole month of April, and copies thereof, attested by the signature of the said Assessors, shall, on the first day of May, (or if that day be a Sunday, or other holy-day on

which no business is usually transacted, then upon the next day thereafter which shall not be so,) be posted up by the said Assessors, or one of them, in the same places in which copies of the said amended list to which it relates shall have been posted.

"And be it enacted, That the claims and objections hereinbefore mentioned shall in all cases be made in writing, and shall be signed by some Elector of the ward or township to which they relate, and shall state the grounds on which the claim or objection is founded.

"And be it enacted, That on the first day of May, in each year, each Assessor shall transmit the amended list of voters, and the list of claims and objections aforesaid, as well those made to the said original list and not allowed, as those made to such amended list, as aforesaid, attested under his hand, to one of the officers hereafter named, that is to say : In *Canada West*, such list shall be transmitted to the Clerk of the Division Court, for the locality in which the ward or township to which they relate shall lie; and in the cities of *Quebec* and *Montreal*, and the town of *Three Rivers*, to the Prothonotary of the Court of King's Bench, sitting in the said cities, respectively ; in those parts of the District of *Montreal*, out of the city of *Montreal*, to the Clerk of the Court of Requests for the District, at the nearest place at which sittings of such Court are held ; in the town of *Sherbrooke*, to the Clerk of the Provincial Court of the District of *St. Francis*; and in those parts of the District of *St. Francis* other than the said town, to the Clerk of the Circuit of the said Provincial Court, within which the locality to which the list relates is situate.

"And be it enacted, That the Assessor who shall have received any such claims or objections, shall, within four days after the amended list shall have been transmitted by him, as provided by the sixth section of this Act, give a written notice to the claimant or objector and also to the person whose right is objected to, that the claim or objection, as the case may be, has been transmitted for adjudication, and of the day and place appointed for the hearing and adjudging upon the same ; and such notice shall be served either by personally delivering the same to the party, or by leaving the same at the place of abode of such person within the ward or township to which such list relates, or if such person shall have no place of abode in such ward or township, then by posting the same up in the same places in which the copies of the amended list were posted.

"And be it enacted, That in case of death or incapacity of any Assessor, prior to his having performed the duties by this Act required of him, such duties shall be performed or completed by the surviving Assessor.

"And be it enacted, That it shall be the duty of the Judge of the Division Court, or of one of the Judges of the Court of King's Bench, sitting in Inferior Term, or of the Commissioner of the Court of Requests, or of the Provincial Judge of the said District of *St. Francis*, respectively, at the next sitting of the said Courts, and Term respectively, on or after the first day of June, in each year, to examine and revise the said amended lists, and to hear and decide upon all such claims and objections, as aforesaid.

"And be it enacted, That upon the days upon which such examination, as aforesaid, is to be had, the Judge or Commissioner, aforesaid, respectively, shall first examine the amended list of voters prepared by the Assessors, and shall compare the same with the list of objections, and opposite to each name on such amended list to which he shall find that no objection has been made, he shall write the word "Admit," and mark it with his Initials.

"And be it enacted, That when the Judge or Commissioner, respectively, shall have gone through all the names to which no objection shall have been made, he shall proceed in a summary manner to hear the parties or their Agents, for or against whom claims or objections have been made, as aforesaid, and the evidence advanced in support of

or against each claim or objection, and shall insert, leave, strike out, or omit, in or from the said amended list, the name of any such party, according as he shall be of opinion that such party is or is not entitled to be an elector for the place : and the decision of such Judge or Commissioner, respectively, shall be final and conclusive, subject only to the decision of the Legislative Assembly, or any Committee thereof, appointed to try a contested election upon the right of any such voter or voters.

"And be it enacted, That so soon as the Judge or Commissioner shall have finally adjudged upon all such claims and objections, it shall be the duty of the Clerk of the Court to make out three alphabetical lists of such voters, as finally settled by such Judge or Commissioner, respectively, which list shall be intituled, "Register of persons 'residing in the ward (or township) of , in the city, '(town or borough, county or riding, as the case may be,) of , , and qualified to vote at the Election of a Member (or 'Members as the case may be) to represent the city (town or borough, county or riding, as the case may be) of , in the 'Provincial Parliament, in respect of property lying within the said 'ward, (or township, as the case may be) of , in the 'city (town or borough, county or riding, as the case may be,) afore- 'said ;" one of the parts of which register shall be kept filed in the office of such Clerk ; one of them shall be transmitted by him to the office of the Sheriff of the District in which the city, town, borough, county or riding, to which it relates, shall be situate, and one of them to the ward or town Clerk of the ward or township to which it

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relates, and shall remain in their offices, respectively, for public inspection, gratis.

"And be it enacted, That in each and every city, town and borough, county and riding, to which the provisions of this Act extend, no more than one day's polling shall be allowed in the several wards or townships in such cities, towns, boroughs, counties and ridings, respectively, at any election of a Member or Members to serve in the Provincial Parliament for such city, town, borough, county or riding, instead of two days for such polling.

"And be it enacted, That if any election shall take place before the first day of January, in the year of our Lord one thousand eight hundred and forty-three, such election shall, in all cases, be held and conducted without regard to so much of this Act as relates to the list and registration of voters, and as if so much of this Act as relates thereto had not been passed.

"And be it enacted, That in all elections for any of the cities, towns, boroughs, counties and ridings, to which the provisions of this Act extend, which shall take place after the said first day of January, in the year of our Lord one thousand eight hundred and forty-three, every qualified person, whose name shall appear in the registers made out under the authority of this Act, for the several wards or townships in such city, town, borough, county and riding, next before the day of the teste of the writ of election, and none other, shall be entitled to vote at such election ; and it shall not be competent to enquire, on that occasion, into any other facts except those of the party tendering the vote, being truly the individual mentioned in the said register, and of his not having previously voted at that election : Provided always, that the enquiry into these facts shall, on such occasion, be confined to the putting to the person so tendering his vote, (if the Deputy Returning Officer shall be required to do so, by or on the behalf of any Candidate, or by any Elector of such ward or township,) an oath (or if he be one of those allowed by law to affirm instead of swearing, in civil cases, then a solemn affirmation,) in the form of the Schedule B. to this Act annexed ; and it shall not be competent at any such poll for such election, to put to any registered voter any

other oath or affirmation whatsoever, except only the oath or affirmation against bribery, which, if required on the part of any Candidate, or by any Elector of such ward or township, shall be put by the Deputy Returning Officer, in the form of the Schedule C. to this Act annexed.

“ And be it enacted, That it shall be the duty of each Clerk of a Court, at which any register of Electors shall have been made under the authority of this Act, to deliver, upon demand made personally at the office of such Clerk, by any Returning Officer, such certified copies of the corrected lists of voters for each and every ward and township within the jurisdiction of such Court, as such Returning Officer shall require.

“ And be it enacted, That if any Judge, Provincial Judge, District Judge, Commissioner, Clerk of a Division Court or other Court, city or town Clerk, or person acting as such, Returning Officer, Deputy Returning Officer, or any person whatsoever, shall wilfully contravene or disobey the provisions of this Act, or any of them, with respect to any matter or thing which they are respectively required to do, he shall for such offence, be liable to be sued in any Court of competent civil jurisdiction, by any Registered Voter, Candidate, Member actually returned, or other party aggrieved, for the penal sum of one hundred pounds ; and the Court or Jury before whom such action shall be tried, may award or find a verdict for the full sum of one hundred pounds, or for any less sum for which the said Court or Jury shall think it just that the defendant should pay to such plaintiff ; — and the defendant in such action shall, if judgment be given against him, pay the penal sum so awarded, with full costs of suit, to the party who may sue for the same, without prejudice, however, to the right of any party aggrieved by the misconduct of any Returning Officer, or Deputy Returning Officer, to recover such damages for a false return as he may be entitled to at common law, or by virtue of any statute now in force : Provided always, that every action brought under the provisions of this section, shall be commenced within four calendar months next after the cause of action has arisen, and that notice in writing shall be given to the defendant at least one calendar month before the commencement of any such action, signed by the party bringing the same, or his agent, and setting forth the place of abode of the party signing such notice, and of the party bringing such action : Provided also, that any such defendant against whom any judgment shall have been recovered in any such action, shall be allowed to plead such judgment, as a bar to any other action which may be brought against him for the same matter or thing, and such other action being thereupon dismissed, such defendant shall recover his full costs thereof.

“ And be it enacted, That the word ‘township’ in this Act, shall be understood as well any township as any reputed township or union of townships, entitled to elect a township Officer ; and the word ‘ward’ shall be understood to mean as well any ward of any city or town, as the whole of any town which shall not be then divided into wards ; and in and for the borough of *Three Rivers*, and the town of *Sherbrooke*, respectively, Assessors shall be elected for the purposes of this Act, in the same manner, and under the same provisions, in and under which Assessors may be appointed for any township within the Municipal District, within which such borough or town is situate.

“ And be it enacted, That no misnomer or inaccurate description of any person or place, in any writing made in the form of any Schedule to this Act annexed, or in any list, register or notice, made under the authority of this Act, shall in any way prevent or abridge the operation of this Act, provided such person or place shall be so designated in such writing, list or register as to be commonly understood as the person or place thereby intended.

“ And be it enacted, That the words, “ Governor of this Province,” whenever they occur in this Act, shall be understood to include as well

Mr. Harrison did not object to the course taken by Mr. Draper, it may be a question of expediency. The measure of last year offered only partial registration. The course now taken however, would test the house whether it was willing to take the Bill as at present brought forward.⁴

Mr. Boswell objected to the charge of inconsistency brought against those who vote for the present bill. If the hon. gentleman would bring forward a Bill containing the clause he refers to, he would vote for it, but he would take the Bill as it was now given.⁵

Sir Allan MacNab objected to the fairness of the test as proposed by the hon. member for Kingston, and contended that it would have offered a fairer test if they had added the registration clauses, and tried the house whether it would have approved of it in that form.⁶

Dr. Dunlop thought they ought to take the present Bill, as it was good as far as it went, and ask for more when Her Majesty's ministers have sat long enough upon their nest to hatch a new one.⁷

Mr. Dunscomb opposed the amendment, upon the principle that it might prevent them from getting a general Registry Bill.⁸

Mr. Cameron opposed the amendment, and spoke in favour of the Bill.⁹

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The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Boulton, Draper, Dunscomb, Forbes, Hale, Jones, Sir Allan N. MacNab, McLean, Moffatt, Simpson, and Thompson. (11.)

NAYS.

Armstrong, Berthelot, Boswell, Boutillier, Burnet, Cameron, Child, Christie, Cook, De Witt, Dunlop, Dunn, Durand, Foster, Gilchrist, Hamilton, Harrison, Hincks, Hopkins, Leslie, D. McDonald, Moore, Morris, Neilson, Papineau, Powell, Quesnel, Roblin, Taché, Taschereau, Turgeon, D. B. Viger, L. M. Viger, and Williams. (34.)

So it passed in the negative.

Mr. Harrison moved, seconded by Mr. Hincks, that the Bill do now pass.¹⁰

Mr. Moffatt thought that too many members in this House were not for such a Bill as would contain registry clauses. If the ministry were favourable to it, why did they not bring in the measure with these clauses? If it had been brought with the registry clauses and put to the house, it would have been a better test of the house. The reason that was given was that the people in Lower Canada are not prepared for it. They ought to have been prepared for it, if they are not it is their own fault, and the rest of the province ought not to be deprived of it, for the cities and townships of Lower Canada required it.¹¹

Capt. Moore begged to correct the idea entertained by the last Hon. Member : the Eastern Townships were not prepared for the system. The number of polling places, as provided by the new election law, would obviate the necessity of Registration, as every individual would know his neighbour's qualification. Another objection to Registration, is, that it will multiply the number of public officers, and place a large amount of patronage in the hands of the Executive.¹²

Mr. Durand said the bill was a complete one in itself, and he would vote for it without the registration clauses.¹³

Mr. Child said he should not at this stage of the bill have troubled the house with any remarks, had nor the hon. member for Montreal, just now stated "that the people of Canada East ought to have been prepared for the system of registration." The Municipal ordinance has now been in operation a year, and it has failed to accomplish the ends sought by it, not from any dislike to its principles on the part of the people or council (except among a few) but to the provisions of it which are found to be very cumbersome and not at all acceptable to its inhabitants. If there be a Municipal District in Canada East where the ordinance might have been expected to work well, it was Sherbrooke, but it has failed to do

so, and it is no fault, as the hon. gentleman would wish to make appear, of the inhabitants. He was proud to defend them against such unfounded aspersions as the hon. gentleman has attempted to cast upon them. Before he sat down he wished to make some remarks upon the Bill itself, he would vote for it, because it enabled the electors to vote for their members in the several townships, and does away with a system that would disgrace any country, particularly one possessing so liberal a franchise as this does. He did not apprehend the danger from this Bill that some hon. members did. The moral character of the electors in the county he had the honour to represent, was a perfect guarantee against violence and corruption at Elections. The present Bill would meet their wishes, as it would enable them to vote in their several townships. At the late Election he knew many of the most respectable Electors who chose to forego their right to vote, because of the distance they were compelled to travel, some resided thirty and even forty miles from the place appointed to hold the election. He was fully satisfied that this bill would meet their wishes, and, for that reason, he should vote for it, and against the amendment.¹⁴

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The question being then put on the main motion, viz : That the Bill do pass, and the title be, "An Act to provide for the freedom of "Elections throughout this Province, and for other purposes therein "mentioned," a division again ensued, and the names being called for, they were taken down, as followeth :

YEAS

Armstrong, Berthelot, Boswell, Boutilier, Burnet, Boulton, Cameron, Child, Christie, Cook, Delisle, DeWitt, Dunlop, Dunn, Durand, Foster, Gilchrist, Hamilton, Harrison, Hincks, Hopkins, Leslie, D. McDonald, Moore, Morris, Neilson, Papineau, Parent, Powell, Quesnel, Roblin, Harmannus Smith, Taché, Taschereau, Turgeon, D. B. Viger, L. M. Viger, Williams, and Woods. (39.)

NAYS

Cartwright, Dunscomb, Forbes, Hale, Jones, Sir Allan N. MacNab, Moffatt, and Simpson. (8.)

So it was carried in the affirmative, and,

Resolved — Accordingly.

Ordered — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

Registration,
Real Estate.

An engrossed Bill to extend the time allowed by the Ordinance therein mentioned, for the registration of certain charges or incumbrances on Real Estate, was read for the third time.

Resolved — That the Bill do pass, and the title be, "An Act to "extend the time allowed by the Ordinance therein mentioned, for the "registration of certain charges or incumbrances on Real Estate, and to "repeal certain parts thereof."

Ordered — That the Honourable Mr. *Jones* do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read ;
John Heath,
and others.

Pursuant to the order of the day, the following Petitions were read :

Of *John Heath*, junior, and others, of the township of *Townsend*, setting forth the evils resulting in that township from the operation of of the Act establishing Boards of Boundary Line Commissioners, and praying that the said Act may be allowed to expire.

James Lyons,
and others.

Of *James Lyons*, and others, Inhabitants of the township of *Hamilton*, praying that certain steps be taken for the destruction of the "Canadian Thistle" in this Province.

Montreal Board
of Trade.

Of the *Montreal* Board of Trade, praying that such measures be adopted, that vessels, passing from the western to the eastern ports of the Province, be not compelled to report at the Custom House, at *Coteau du Lac*, except when unlading there.

John and James
Wright, of Orillia.

Of *John and James Wright* of *Orillia*, county of *Simcoe*, praying for certain amendments to the Militia Laws of *Canada West*.

J. Thompson,
and others.

Ditto.

Petition referred ;
William Dixon,
and others.

Nelson Hacket.

Boats to report
at Coteau du Lac.

Seat of Govern-
ment.

Report on Petition
of Mrs. Adelaide
Bouchette.

Quebec Gas-light
and Water Com-
pany Bill.

Of Joseph Thompson, and others, of the township of *Brock, Home District*, praying for a protecting duty on American produce introduced into this Province.

Of Joseph Thompson, and others, of the township of *Brock, Home District*, praying an aid for a road.

Ordered — That the Petition of William Dixon, and others, Messengers of the Legislative Assembly, presented to the House on the twenty-ninth of September last, be referred to the Special Committee on the Contingent Accounts and Expenses of this House during the present Session.

Ordered — That two hundred and fifty copies of the Return to an Address of this House, relating to the surrender of Nelson Hacket, and of the documents accompanying the same, be printed in each of the English and French languages, for the use of the Members of this House.

On motion of Mr. Delisle, seconded by Mr. Christie,

Resolved — That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of amending the Act of the late Province of Lower Canada, 6 Will. 4, cap. 24, in so far as relates to that part of the said Act which compels boats, going from Upper to Lower Canada, to report at Coteau du Lac.

Ordered — That the Petition of the Montreal Board of Trade, be referred to the said Committee.

On motion of Mr. Christie, seconded by Mr. Armstrong,

Resolved — That this House will, to-morrow, resolve itself into a Committee of the whole House, on the Message of His Excellency, the Governor-General, of the twenty-fourth of September last, relating to the seat of Government.

Ordered — That the Despatch from the Secretary of State for the Colonial Department, accompanying the said Message, be referred to the said Committee.

Mr. Watts, from the Committee of the whole House, on the Report of the Special Committee to which was referred the Petition of Mrs. Adélaïde Bouchette of Quebec, widow of the late Joseph Bouchette,

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Surveyor-General, reported, according to order, the Resolution of the said Committee ; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That this House doth concur with the Special Committee, in the said Report.

On motion of Mr. Burnet, seconded by Mr. Black,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, with a copy of the Report of the Special Committee to which was referred the Petition of the widow Adélaïde Bouchette praying for relief.

Ordered — That the said Address be presented to His Excellency, by such Members of this House, as are the Honourable the Executive Council of this Province.

Mr. Boulton, from the Committee of the whole House, on the Bill to incorporate a Company under the style and title of "The Quebec Gas Light and Water Company," reported, according to order, the amendments made by the Committee to the said Bill ; which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

An engrossed Bill to incorporate a Company under the style and title of "The Quebec Gas Light and Water Company," was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. Black do carry the said Bill to the Legislative Council, and desire their concurrence.

Foreign Wheat.

A Bill to impose a duty upon Foreign Wheat imported into this Province, was, according to order, read a second time.

Ordered — That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Boulton took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Boulton reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

Certain Acts and Ordinances Bill.

A Bill to continue for a certain time certain Acts and Ordinances, and to extend the provisions of one of the Ordinances so extended, was, according to order, read a second time.

Resolved — That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. DeWitt took the chair of the Committee ;

It was proposed to strike out the clause referring to the pensions of Chief Justices Reid, Sewell, &c. taking from them any benefit they might have, under the Act, according to the pensions. The reason given for this was, that the pensions were secured on the pension list, and it was, therefore, unnecessary to continue the Act.¹⁵

This was opposed by **Messrs. Moffatt, MacNab, and Black**¹⁶.

It was, however, passed without division.¹⁷

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. DeWitt reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the report be received to-morrow.

British America Fire and Life Assurance.

A Bill to extend the powers of the British America Fire and Life Assurance Company to Marine Assurances, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Public lands Bill.

A Bill to explain an Act therein mentioned, relating to the disposal of Public Lands, and to prevent, in Lower Canada, the surreptitious sale of Lands possessed by right of occupancy and improvement, as personal goods, by the Sheriffs, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

Cobourg Harbour loan.

A Bill to extend the time for the payment of the loan to the Cobourg Harbour Company, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

New Writ for Second Riding, York.

On motion of Sir Allan N. MacNab, seconded by Mr. Cartwright,

Ordered — That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the Election of one Member to serve in the present Parliament for the Second Riding

of the County of York, in the room and place of *George Duggan*, Esquire, whose Election and Return have been declared void.

This motion called forth an animated debate respecting the privilege of members to make such motions when the orders of the day were fixed by the house.¹⁸

The Speaker ((**Mr. Cuvillier**)) appeared at a loss how to proceed and asked the opinion of the house.¹⁹

Sir Allan ((MacNab)) contended for the privilege of moving for a writ at any time²⁰.

It was agreed to put the motion, **Mr. Harrison** and others stating that there was no objection to it.²¹

The motion was put and carried.²²

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Message from
Leg. Council.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery :

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment :

“An Act to amend the Act therein mentioned, relative to the desertion of Seamen, and others in the sea service.”

“An Act to make the Law for vacating the seats of Members of the Legislative Assembly accepting office, uniform throughout this Province.”

And also,

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly :

“An Act for better proportioning the punishment to the offence in certain cases.”

“An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads, in that part of the Province formerly called Lower Canada.”

And also,

The Legislative Council have passed the Bill, intituled, “An Act to afford relief to the estate of the late *Thomas Clarke*,” to which they desire the concurrence of the Assembly.

And then he withdrew.

An engrossed Bill from the Legislative Council, intituled, “An Act to afford relief to the estate of the late *Thomas Clarke*,” was read for the first time.

The order of the day, for the House in Committee, on the Bill to extend the Charter of the Commercial Bank of the Midland District, and to increase its capital stock, being read,

The House accordingly resolved itself into the said Committee.

Mr. Hamilton took the chair of the Committee ;²³

Commercial
Bank.

Objection was made by several members to the clause respecting discounts to directors not exceeding one third of the capital stock.²⁴

Mr. Thompson thought it outrageous that men of straw who subscribed \$1000 to qualify themselves to be directors, should be enabled to draw out of the Bank \$80,000 in discounts. He afterwards explained that he had no reference to any existing Bank, but put the case to show the absurdity of the clause; for as it stood the one third might be drawn out by one director, and thus three might have all the discounts among them. He therefore moved an amendment that discounts to a director should not exceed £5000.²⁵

This was opposed by several members.²⁶

Mr. Hincks said he knew one house who imported goods to the amount of £100,000 annually, and the restriction would exclude that merchant from the bank.²⁷

Desertion of
Seamen.

Members vaca-
tion of seats.

Proportioning
punishment to
offence.

Winter Roads.

Clarke's relief.

Sir A. MacNab said that in the way Banks were managed they were little family compacts. He knew one Bank in which the directors had half the discounts among them, and he knew another Bank not 500 miles from this town, in which the directors had £50,000 in discounts at one time.²⁸

Mr. Moffatt said that the evils of Bank management were in proxies, on which there was no restriction, so that it often happened that one man held nearly all the proxies of the Bank, and ruled at his pleasure. He would be glad to have a general measure relating to the management of Banks. Proxies should be limited as well as the votes of shareholders. No officer of a Bank should hold proxies, or do any business whatever for stockholders, except that for which he was appointed.²⁹

The amendment was withdrawn, and the clause altered to apply to all the directors.³⁰

A strong effort was made to get rid of the double security clause, partly on the ground that the Home Government had chartered the Bank of British North America to do business in this country without that clause³¹, ((and)) as tending to prevent the investment of foreign capital.³²

Messrs. Boulton and **Thompson** opposed it as inconsistent with our constitutional rights; this double security clause being introduced and required by Imperial authority: it was an improper meddling with private rights.³³

Mr. Roblin could not see the great advantage to be derived from foreign capital. It is true, the Province gains the use of the money; but the interest is carried out of the Province. It would be much better to secure the subscription to the stock, in the Province.³⁴

Mr. DeWitt said that there was something incomplete in the Bill: no foreigner, without property in the country, could subscribe to stock in the institution. If he did, where is your double security? and a man in this country can only invest the one half of his property in it.³⁵

Mr. Simpson thought it the only clause that gave security to the public. The Bank of British North America had no directors here to have discounts. Why should we arrogate more than the bank of England, which had done the business for 200 years under that clause.³⁶

Mr. Moffatt agreed that there was utility in the clause, and it should not be given up unless we had something better, as he hoped we should. Some hon. members had said that stock would not be subscribed under it; but the Bank of Montreal accepted the act increasing their capital stock last year with this clause, and all the additional stock, £250,000 had been taken up.³⁷

Mr. Roblin said that what he had heard had convinced him of the necessity of keeping this clause, for all who opposed it were heavy bankers. It would make them more careful. If we give them a charter by which they make 13 or 14 per cent, they ought to give good security.³⁸

Mr. Hincks thought it right to look to the public security, and that clause gave some security, although not all the public thought it did, for it might be evaded.³⁹

Mr. Boswell would support the clause, and thought it strange for the banks to oppose it, as the opposition might raise doubts of their solvency after the Montreal bank had accepted sufficient conditions.⁴⁰

After some farther remarks, the clause was carried⁴¹.

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hamilton reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered — That the report be received, to-morrow.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, presented to Mr. Speaker a Message from His Excellency, the Governor-General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth :
Charles Bagot.

The Governor-General recommends to the House of Assembly, that they should take into consideration the propriety of awarding to *Charles Richard Ogden*, Esquire, late Attorney-General for Canada East, and to *John Davidson*, Esquire, late Commissioner of Crown Lands, a superanuation allowance, on their ceasing to hold their respective offices.

His Excellency considering the length of time that these gentlemen have been employed in the public service, and the circumstances atten-

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ding their retirement from it, would suggest the expediency of granting to Mr. *Ogden* a sum not exceeding £625 per annum, and to Mr. *Davidson* a sum not exceeding £500 per annum, to be enjoyed during life, unless hereafter they shall hold under the Government any office of equivalent or greater value within the Province.

Government House,
Kingston, 3rd October, 1842.

The Honourable *D. Daly* laid before the House, by command of His Excellency, the Governor-General,

A return to two addresses of the House of Assembly to His Excellency, the Governor-General, bearing date, respectively, the 19th September, 1842, praying His Excellency to lay before the House, a detailed statement of the moneys received by the Crown Land Agent in *Gaspé*, in the years 1835, '36, '37, '38, '39, '40, '41, and '42, on the sales of Crown Lands and Timber Licences, and the amounts remitted during the same period, shewing what balance, if any, is now due unto the Crown Officers by the said Agent; and also, a detailed statement of the Licences granted, and Timber cut, on Crown Lands in the County of *Bonaventure*, from the year 1835 to 1842, both years inclusive, by *Robert Ferguson*, *Arthur Ritchie*, and Company, *Peter and John Adams*, *William Hamilton*, *Hugh and John Montgomery*, *Peter and Donald Stewart*, *Peter Sutherland*, *William Cuthbert*, and Company, *Ralph Pritchard*, *James McCracken*, *John McDougal*, *William Carter*, *William McPherson*, and all others employed in Lumbering in the County of *Bonaventure*; also, of the moneys collected during the same period by the Land Agent for the District of *Gaspé*.

[For the documents accompanying the said Return, see Appendix (T.) at the end of this Volume.]

Also,

Return to an Address from the House of Assembly to His Excellency, the Governor-General, bearing date the 21st September, 1842, and praying for copies of all correspondence relating to the case of *J. Brack*, of *Wendover*.

By Command —

D. Daly,
 Secretary.

Secretary's Office, East,
Kingston, 1st October, 1842.

" *Quebec*, February, 1842.

" May it please your Excellency :

" I have the honor to transmit, herewith, a letter which has been addressed to me by Mr. *John Brack*, a respectable farmer, setting forth a case of much hardship. The statements it contains are, of my own knowledge, correct.

" The land in question was purchased by the *Brack* family some twenty years ago, as part of the Seigniory of *Courval*. By their labour they converted it from a lot of wild land into a farm of considerable value, and lived upon it, in the belief that their title was good, and that

Superanuation allowances to
C. R. Ogden, Esq.
 and *John Davidson*, Esq.

Moneys received
 by Crown Land
 Agent, in *Gaspe*.

Timber cut on
 Crown Lands in
Bonaventure.

Moneys collected of
 by Land Agent
 in *Gaspe*.

J. Brack, of
Wendover.

they were *censitaires* to the Seigniory of *Courval*, until the year 1835. In that year they heard that the Crown claimed the lot, as part of the township of *Wendover*, and had it advertised for sale. *Brack's* letter sets forth his proceedings upon that occasion. From then to the present, he has been constantly harrassed by the Seigneur for Seigniorial dues, and will eventually be ruined, unless the Crown maintain its asserted claim, until the Courts of Judicature have finally determined to whom the land belongs. Although *Brack* has paid £100, he is perfectly ready to treat with whoever may be declared the lawful owner of the soil on which he has spent the labour of his life.

"Some time since, the case was referred to the Attorney-General, with instructions, as then understood, to defend the claim of the Crown, and the result was to have been made known to *Brack*. From the enclosed letter, however, it appears to have been overlooked, and the Crown Land is now seized, and for sale, as part of *Courval*. As there are papers of record in the offices of the Secretary East, and of the Commissioners of Crown Land, relating, fully, the particulars of this case, I shall conclude with the hope that your Excellency will, upon enquiring, find it deserving of immediate attention, and that it will be referred to the Solicitor-General, in communication with the Commissioners of Crown Lands, for the adoption of such steps as shall preserve *Brack* harmless in this litigation between the Crown and the Seignior of *Courval*.

"I have the honour to be, very respectfully,
"Your Excellency's
"Most obedient humble servant,
"(Signed,) R. N. Watts."

"N.B. There being no Post Office in *Wendover*, any communication ought to be addressed to the care of Major *Menzies*, *Drummondville*, Eastern Townships, Lower Canada.

"Wendover, 15th January, 1842.

"Sir,

"I am exceedingly sorry to inform you, and I am sure you will also be sorry to learn, that your kind and friendly exertions on my behalf, last year, have not been able to save me from ruin; and as I have now no hope of relief but through your interference, I trust you will forgive me for troubling you with a second application on this most distressing subject. I do not really know how this relief is to be obtained. You are already acquainted with the peculiar hardships of the case; but, as I trust you may think it necessary to bring it under the notice of those who have the power of affording assistance, I hope you will approve of my recapitulating, in as few words as possible, the principal points which were submitted by you, last year, to the Attorney-General, on my behalf, and upon which he decided on an appeal to the Court, at *Quebec*. It is now nearly twenty years since my brother purchased the land in dispute, at a Sheriff's sale, for which he paid one hundred pounds. It was then understood to belong to the Seigniory of *Courval*, and I went on with my improvements — was doing well — and had no dispute with the Seigneur until 1835, when my land was put up for sale, by the Commissioners of Crown Lands, as part of the township of *Wendover*. I immediately petitioned Lord *Aylmer*, and had barely time to receive his answer, which was an order to suspend "the sale, until relief could be afforded." In expectation of that relief, I refused to pay any more dues to Mr. *Hart*, the Seigneur, who immediately commenced an action against me, in which he failed, from some informality, and had to pay the costs. Meantime, the first Rebellion broke out, and was speedily followed by the second, during which nearly all legal proceedings were suspended. I sent my eldest son into the voluntary ranks, and had to keep watch over my stock, which was actually enumerated and marked for seizure by the Rebel Commissariat.

"When order had, in some degree, been restored, Mr. *Hart* recommenced his action against me for rent. I applied to the Commissioners of Crown Lands, stating my inability to contend with a man like Mr. *Hart*, and requesting their advice. Their answer was a suggestion to place myself under the protection of Lord *Durham's* Proclamation, regarding squatters, with which I immediately complied; and I am now actually on their books as a squatter on Crown Lands. This, however, did not stop the action; and situated as I was, sued by the

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J. Brack, of
Wendovfier.

Seigneur for rent, and liable to be sold out by the Crown, I could only again call on the Crown either to assist me or withdraw its claims, and leave me to settle with Mr. *Hart*, as I best could. To this application, the Commissioners of Crown Lands replied, that my application, having been laid before Lord *Sydenham*, his Lordship had directed my papers to be put in the possession of the Attorney-General. I thought I was now to have some rest; but I was mistaken. The action proceeded — judgment was awarded against me — and execution to follow. I then took the resolution to wait on you, at *Montreal*. You know the result: the Attorney-General entered an appeal, at *Quebec*, against the decision of the Court at *Three Rivers*, and I fully expected that the matter would, at last, be determined in my favour. But the Attorney-General left the Province for *Europe*, and either left no instructions to make the Crown a party to the suit, or his instructions have been misunderstood; and the consequence has been, that the case has been determined as between Mr. *Hart* and myself; and, although reversed in some trifling particulars, the decision has been against me, and execution ordered and effected. My land, for which one hundred pounds was originally paid, has been seized, and will, I suppose, be sold for the debt and costs. I have been forced to dispose of my stock, to keep them out of the way of legal distress; and I expect to be forced out of the house which I have lately built, and have no where else to go to.

"Assuredly, very good sir, this is not the sort of relief which Lord *Aylmer* intended for me, nor can it be supposed that Lord *Sydenham* anticipated such a result when he placed the case in Mr. *Ogden's* charge. Mr. *Ogden* himself, could never have supposed that I was able to contend with Mr. *Hart*, unless the Crown was made a party to the cause. — Such, however, is the melancholy termination of the case, for it will be perceived that the Crown has never once appeared in it, and so by its interference, it commenced my ruin; and by its non-appearance has completed it.

"With regard to Mr. *Hart*, I cannot blame him for endeavouring by fair means to obtain and maintain what he supposes to be his right; but I cannot acquit him of dishonourable, not to say dishonest, intentions, accumulating, what I think must be considered, fraudulent charges, against me, having no foundation in justice. It is only necessary thus to allude to them, and to state that the sum for which judgment has been given, amounts only to £36 10 4, which he has swelled to the enormous sum of £342 19 0, by means of the charges above alluded to.

"Such, then, is a rapid view of this, to me, lamentable case. I have said that I cannot conjecture how relief is to be obtained, but I trust that you will once more have the goodness to attempt it in any way which you may think best; I have been thinking that, perhaps Mr. *Day* might act in absence of the Attorney-General, in instituting a Crown suit against Mr. *Hart*; and I have also thought that Mr. *Daly* might give directions that Lord *Sydenham's* instructions might be carried into effect, as they seem to have been entirely overlooked. You will judge how far either of these measures might be preferable, or otherwise, to a Memorial or Petition, to His Excellency, the present Governor-General, founded on the circumstances of the case, which would certainly convey the idea of neglect in some of the Public Departments. I may conclude

by adding, that in whatever way you may judge proper to dispose of this statement, I am ready to pledge my existence that it is the truth, the whole truth and nothing but the truth.

“I remain,

“Sir, respectfully,

“Your obliged and humble Servant,

“John Brack,

“No. 23, 3rd, Wendover.”

J. Brack, of
Wendover.

“Copy.

“Crown Land Office,

“Kingston, 26th February, 1842.

“Sir,

“I have the honour to enclose a Petition from *James Brack*, who is settled on lot No. 23, 3rd *Wendover*, returned to this Department as Crown property, but which it appears is claimed by Mr. *Moses Hart*, as part of his Seigneurie, of *Courval*. The Petitioner was referred to the Attorney-General, by order of *Lord Sydenham*, on the 20th February, 1841. I am now to request of you to inform me, at your early convenience, if any relief can be afforded to Mr. *Brack*, and if so, in what manner.

“I have, &c.

“(Signed,) John Davidson.”

“The Hon’ble.

The Solicitor General,
&c. &c. &c.”

“Copy.

“Kingston, 5th March, 1842.

“Sir,

“I have the honour to report upon the letter of *Brack*, accompanied by one from *R. N. Watts*, Esquire, that I have instructed Mr. *Dumoulin*, Q. C. of *Three Rivers*, in consultation with Mr. *Burn*, the Counsel of Mr. *Brack*, to take certain proceedings for the protection of the rights of the Crown in lot No. 23, in the third concession of the township of *Wendover*.

“With respect to Mr. *Brack’s* individual interests, I see nothing in his ostensible position to justify a claim for compensation or protection from the Government, and I am not at present in possession of any information which would warrant my reporting in his favour.

“I have, &c.

“(Signed,) C. D. Day,

Sol. Genl.”

“John Davidson, Esquire,
&c. &c. &c.”

“Extract from a letter addressed by *P. D. Dumoulin*, Esqr. Q. C. to the Honourable *C. D. Day*, Solicitor General.

“Trois-Rivières, 10 Mars, 1842.

“Monsieur,

“J’ai l’honneur d’accuser la réception de votre communication par ordre de Son Excellence, le Gouverneur Général, du 1er du Courant, au sujet de la saisie de certaines terres dépendant de la Couronne dans une poursuite de *Hart vs. Brock*, alias *Brack*. J’ai vu Mr. *Burn*, avocat, à ce sujet et après avoir examiné cette procédure, je me trouve en état de vous transmettre les informations suivantes.

“*Hart* ayant poursuivi *Brack* hypothécairement pour droits Seigneuriiaux prétendus dûs sur différents lots de terre allégués être dans les limites de la Seigneurie de *Courval*, mais bien dans le township de *Wendover*. Mr. *Burn* me dit que le Défenseur s’était toujours attendu que la Couronne intervientrait dans la cause pour faire valoir ses droits, mais rien n’en a été fait, de manière que le défendeur a été condamné à délaisser les biens en justice, ce qu’il n’a pas fait, et en

conséquence les dits biens ont été saisis ainsi que d'autres appartenant au dit Défendeur, savoir, ceux saisis sous le No. 2 de la Gazette. Il paraît bien clair que ceux saisis sous No. 1, et comme détenteur desquels il a été poursuivi hypothécairement pour redevances seigneuriales envers la seigneurie de *Courval*, font partie du township de *Wendover*, savoir ; le No. 23. du 3 Rang. Que ces terres n'ont point été vendues par les Commissaires comme les autres adjacentes ou que *Brack* en était en possession et les avait améliorées considérablement. Différentes lettres à ce sujet de la part des Commissaires sont filées dans la procédure établissant ces faits.

"Je vais donc loger une opposition afin de distraire pour cette partie des terres saisies par Mr. *Hart*."

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And also,

Copy of a preliminary Report made to His Excellency, the Governor General, by the Commissioners of Seigniorial Tenure Inquiry.

"Copy of a Preliminary Report made to His Excellency, the Governor-General, by the Commissioners of Seigniorial Tenure Inquiry ; laid before the House of Assembly, by command of His Excellency.

(Signed) "D. *Daly*,
"Secretary.

"Secretary's Office, East,
"3rd October, 1842."

"To His Excellency, the Right Honourable Sir *Charles Bagot*, G. C. B. one of Her Majesty's Most Honourable Privy Council, Captain-General, and Governor-in-Chief of Her Majesty's Provinces of *Canada*, *New Brunswick*, and *Nova Scotia*, and of the Island of *Prince Edward*; and Governor-General of all Her Majesty's Provinces on the Continent of *North America*, and the Island of *Prince Edward*, &c. &c. &c.

"May it please your Excellency :

"Having been honoured by your Excellency with the joint commission to enquire into the Feudal and Seigniorial Tenure of Lands in that part of the Province called *Lower Canada*, appointed by you in pursuance to an Address of the Honourable of the House of Assembly, of the seventh September, one thousand eight hundred and forty-one, we have the honour of reporting, that we proceeded, on the seventh July last, to continue the labours of the former Board of Commissioners, and to discharge, as far as we might be enabled to do so, the important trusts reposed in us.

"Since that period our Board has been constantly in session, and we have unceasingly employed such powers and opportunities as lay within our reach, to obtain the information deemed by the Honourable House of Assembly necessary as a basis of legislation, and to accomplish the objects of the present investigation.

"We respectfully invite your Excellency's attention to the variety of matters submitted for our inquiry, by our Commission, which is founded on the said Address.

"By that Commission we are commanded :

"1. To make the necessary examination, and search into all public records and notarial acts, from the time of the settlement of the country, and to establish for several distinct periods the true conditions on which grants of land in Seigniory have been made by the Crown, and on which lands have been conceded *en arriere fief*, or *en censive et roture*, and to collect all other requisite information connected with the said subjects.

"2. To inquire into the Laws which have from time to time governed, and now govern the said Tenures.

"3. To inquire generally into the present working of the system, by proper investigations in every section of *Lower Canada*; in a number of Seignories indifferently chosen, for the purpose of ascer-

taining, as far as possible, the present rents, dues, reservations, and charges, of any kind ; the probable quantity of unconceded Seigniorial land in the Province, and their quality and value, and also the quantity of lands conceded but not improved ; the value of Seigniorial Mills in the Province, and the annual average value of *lods et ventes* paid or accruing thereon ; and of obtaining such further information as may tend to throw light on the subject.

" 4. To consult the Seigniors and Censitaires, respectively, upon the most proper and equitable means of effecting by Law a commutation of the Feudal and Seigniorial Tenure (such commutation being founded upon a due regard to the rights and interests of all parties,) and also upon the most proper means of effecting an arbitration in cases where it may be required.

" To shew how far the purposes of the Commission may be served or advanced by us, we beg leave to follow the order of classification above stated.

" As regards the first section, we have humbly to represent, that the powers conceded to us by the Commission, have enabled us to secure valuable evidence, derivable from the public records, existing in the Secretarial Department, and in the custody of Judicial Officers, in which last category are the original documents of Notaries, deceased and absent ; but we have the honour of declaring that we have no authority to compel the attendance of persons, or to force the production of instruments in the hands of Notaries actually exercising their professional functions, a voluntary production of which by them would be an unauthorised breach of duty towards individuals.

" On this head, therefore, we have to say, that we are in possession of information requisite to form an opinion touching the conditions upon which grants of land in Seigniory have been made by the Crown ; but we regret to say that, from our limited powers, we cannot exhaust the subjects of the rates and conditions of concession *en censive*, of the relations of Seignior and Censitaire, and of those arising out of subinfeudation.

" We consider that our arriving at something proximate to the real state of the matter, would not provide the means of revising any judgment to which we might now be led, by what way be deemed defective examination.

" Having had more clearly within our controul and consideration the topic secondly enumerated, we have the honour of stating, for Your Excellency's information, that as an isolated portion of the matter referred to us, we might, with a due allowance of time for discussion, prepare ourselves to make a final report on the conclusion we may come to on that leading principle in our enquiry.

" On the third of the heads into which we have divided the subjects proposed for our investigation, we have to remark, that unless we are clothed with some sufficient compulsory power and authority to discover the truth, and arrive at accuracy of detail, we cannot indulge the least hope of being able to lay before Your Excellency that degree of purely statistical information, which it would seem to have been the wish of the Honourable the House of Assembly to be furnished with. Although a willingness has been expressed by the parties interested in the question to afford us that statistical information, which can be procured only through their means, or by their instrumentality, and although by inviting personal conference, and soliciting written statements, we have used our utmost endeavours to prevail on those parties to place us in possession of the objects of our researches, we have to regret that our efforts have been so far unavailing as to leave our knowledge on this extensive branch of the subject extremely imperfect, and in an unfit state to be transmitted to Your Excellency.

" It remains for us respectfully to observe to Your Excellency, with regard to the fourth division of the subject, that both by oral intercourse, and in written communications, a great number of schemes

have been proposed, as well by Seigniors as by Censitaires, for effecting by law a commutation of the Feudal and Seigniorial Tenure; yet there is in these plans a variety so perplexing and difficult to reconcile or compromise, that apart from the other labours of our Commission, we have not had sufficient leisure to decide which may be the most eligible or most conformable to the views entertained by the Honourable the House of Assembly, of establishing a mode of commutation by equitable means, and founded upon a due regard to the rights and interests of all parties.

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"It becomes necessary also to represent to your Excellency, with respect to many of those schemes of commutation, prepared with great care and consideration, that they are dependent for their value and soundness upon accurate statistical information and details, the attainment of which, however, for the want of compulsory powers and authority, we must confess we deem a fruitless task.

"All which is respectfully submitted, by your Excellency's

"Most obedient humble servants,

(Signed,) "A. Buchanan.

" "J. A. Taschereau.

" "James Smith.

Orders post-
poned.

On motion of the Honourable Mr. Viger, seconded by Mr. Dunlop,
Ordered — That the orders of the day that have not been disposed of, be postponed until to-morrow.

Mr. Morris moved, seconded by the Honourable Mr. Hincks, That this House do adjourn until seven o'clock p.m. this day.

Mr. Hamilton moved in amendment, seconded by the Honourable Mr. Neilson, That all the words after "until" in the said motion be struck out, and the following substituted, "to-morrow at eleven o'clock a.m."

The question having been put upon the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being put on the main motion, as amended, it was agreed to unanimously; and,

The House accordingly adjourned until to-morrow, at eleven o'clock a.m.

Footnotes — 3 October 1842.

1. "The House opened at eleven o'clock.... Owing to a misunderstanding as to the hour at which the House was to meet this day, many Members were absent for a length of time; and your humble servant was also among the missing, during a slight debate which took place on the Election Bill." MONTREAL GAZETTE, 6 October 1842.

2. The debate on this was reported in: MONTREAL TRANSCRIPT, 8 October 1842, and EXAMINER, 12 October 1842, in identical accounts; LE CANADIEN, 7 October 1842; and KINGSTON CHRONICLE, 5 October 1842. The MONTREAL GAZETTE, 6 October 1842, reported only one speech delivered in this debate.

3. KINGSTON CHRONICLE, 5 October 1842.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. MONTREAL GAZETTE, 6 October 1842.

13. KINGSTON CHRONICLE, 5 October 1842.

14. IBID.

15. MONTREAL GAZETTE, 6 October 1842.

16. IBID.

17. IBID.

18. KINGSTON CHRONICLE, 5 October 1842.

19. IBID.

20. IBID., which added that he "used some language towards the Speaker which we thought his character and the gentlemanly and efficient manner in which he has uniformly discharged his duties in the chair, did not warrant."

21. IBID.

22. IBID.

23. The debate on this motion was reported by: the KINGSTON CHRONICLE, 5 October 1842; the MONTREAL GAZETTE, 6 October 1842; LE CANADIEN, 7 October 1842; and in identical accounts in the MONTREAL TRANSCRIPT, 8 October 1842 and the EXAMINER, 12 October 1842.

24. MONTREAL TRANSCRIPT, 8 October 1842.

25. IBID.

26. IBID.

27. IBID.

28. IBID.

29. IBID.

30. IBID.

31. IBID.

32. MONTREAL GAZETTE, 8 October 1842.

33. IBID.

34. IBID.

35. IBID.

36. MONTREAL TRANSCRIPT, 8 October 1842.

37. IBID.

38. IBID.

39. IBID.

40. IBID.

41. IBID.

Tuesday, 4 October 1842.¹

11 o'clock a.m.

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1 Petition
brought up.

Church Temporalities.

Timber measurement Bill.

Mr. Neilson complained that he had not time to state his views upon this measure, it was carried through the house by one party, without the other having an opportunity of opposing it. There is a clause in it for the establishment of a supervisor, which makes measurement necessary, and thus occasions delay to the merchant.²

Mr. Cameron rebutted the assertion that it had been hurried through the house, and mentioned that all parties interested had full time to express their views, and had done so last session when the Bill was before the House.³

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Ordered — That Mr. Cameron do carry the said Bill to the Legislative Council, and desire their concurrence.

Cobourg Harbour loan.

Public lands Bill.

An engrossed Bill to extend the time for the payment of the loan to the Cobourg Harbour Company, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. Boswell do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill to explain an Act therein mentioned, relating to the disposal of Public Lands, and to prevent, in Lower Canada, the surreptitious sale of Lands, possessed by right of occupancy and improvement, as personal goods, by the Sheriffs, was read for the third time.

Resolved — That the Bill do pass, and that the title be, "An Act to explain an Act therein mentioned, relating to the disposal of Public Lands, and to prevent, in Lower Canada, the surreptitious sale of Lands, possessed by right of occupancy and improvement, as personal goods, by the Sheriff."

Ordered — That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Second report of Committee on Contingencies.

Mr. Morris, from the Special Committee on the contingent accounts and expenses of this House during the present Session, and other references, with power to report from time to time, presented to the House the second Report of the said Committee, which was again read at the Clerk's table, and is as followeth :

"Your Committee have taken into their consideration the Petitions of the servants of your Honourable House, and beg to recommend the following allowances :

"To the eight Messengers, and Robert Defries, in consideration of the short Session, the sum of five pounds, currency, each, in addition to their daily pay, to remunerate them for the expense incurred in travelling to and from the Seat of Government.

"To Hugh McLellan, Door-keeper, the sum of five pounds, Sterling, short paid him last year ; and also, the sum of twenty-five pounds, Sterling, being his allowance for the current year, under the letter of Mr. Secretary Murdoch, of the 12th June, 1841.

"And to John Voller, the sum of ten pounds, Currency, due him for past services.

"Your Committee submit herewith blank Resolutions for the foregoing sums."

Ordered — That the said Report be referred to a Committee of the whole House, to-morrow.

Bill proportioning punishments to offence.

On motion of Mr. Black, seconded by Mr. Sherwood,

Ordered — That the amendments made by the Legislative Council to the Bill intituled, "An Act for better proportioning the punishment to the offence, in certain cases," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth :

Press 2, after the fourth Clause insert,

A.

"And whereas it is necessary to determine the punishment to be inflicted upon certain offenders, not provided for by the said before recited Act, intituled, 'An Act for consolidating and amending the Statutes in this Province relating to offences against the person :' Be it enacted, That where any person shall be charged with and convicted of any assault with intent to commit rape, or any assault with intent to commit the abominable crime of buggery, either with mankind or with any animal, the Court in any such case may sentence the offender to be imprisoned at hard labour in the Provincial Penitentiary, for any term not exceeding three years, or to be imprisoned in any other prison or place of confinement for any term not exceeding two years."

In the Title —

Line 2, after the word "cases," insert, "and for other purposes therein mentioned."

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And the said amendments being again read, they were agreed to by the House.

Ordered — That Mr. Black do carry back the said Bill to the Legislative Council, and acquaint their Honours, that this House hath agreed to their amendments.

On motion of Mr. Armstrong, seconded by Mr. L. M. Viger,

Ordered — That the amendments made by the Legislative Council to the Bill, intituled, "An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province

"formerly called *Lower Canada*," be now referred to a Committee of the whole House.

The said amendments were read, and are as followeth :

Press 1, line 23. — Leave out the word "repeal" and insert, "suspended until the thirteenth day of May, one thousand eight hundred and forty-five, within the District of *Montreal*, and all such parts of the Districts of *Three Rivers* as are not included within the limits of the Municipal District of *Portneuf* and *Lotbiniere*; and it shall be lawful during such suspension to harness a single horse to the middle of any unloaded winter vehicle, or to the middle of any loaded winter vehicle, provided that the said loaded winter vehicle be forty English inches wide between the inside of the runners at the bottom thereof, and the shafts are attached to the body of the said loaded vehicle at the height of ten English inches above the bottom of the runners thereof."

Preamble, line 1. — Leave out "repeal" and insert "suspend."

The House then resolved itself into the said Committee.

Mr. *Parke* took the chair of the Committee :⁴

Mr. Armstrong objected to this amendment, and hoped the house would not concur. It would but place an unnecessary tax upon the people, who were generally provided with 34 inch sleighs. He thought if the Legislative Council was as well acquainted with Eastern as with Western Canada, it would not seek to act so contrary to the wishes and desires of the people.⁵

Mr. Dunscomb was of the same opinion.⁶

Dr. Kimber said if they were to vote against the amendment, and thus reject the bill altogether the ordinance would still continue in force and occasion much inconvenience. He believed the people were willing to adopt the 40 inch sleigh and make the sacrifice for the purpose of having good and straight roads.⁷

Dr. Dunlop said that as trains had not yet got the length of Goderich, he was uninterested in the matter of their construction; but he thought it was really a cause of hardship that those who had complied with the ordinance were now to be compelled to get new sleighs. He would therefore propose a middle course, that the law be made applicable only to sleighs hereafter to be built.⁸

Mr. Harrison proposed a conference (sic) with the Legislative Council, to settle the question under discussion.⁹

Mr. Cameron stated the reasons for the amendment, which he thought was judicious; it was to enable double sleighs to travel on the same roads, which could not be done where thirty-four inch sleighs were generally used.¹⁰

Mr. L. M. Viger thought this a very partial measure, the poor man was compelled to alter his sleigh, and make it conformable to the Act, while the rich man can voyage round the country in any sized sleigh he chooses — it was oppression. Why should not all vehicles be subjected to its operation? In Quebec, it was impossible to put the Act in force, and he was sorry it extended to that District.¹¹

Mr. Neilson said he could not let that opportunity pass without expressing his regret that the Legislative Council should take the opinion of two or three gentlemen as the wishes of the great mass of the people instead of coming to this house for their opinion. He did not mean to dispute the power of those gentlemen to say yea or nay, in their places in that house, but he would say it was most unfortunate that they advised the council against the wishes of the people. It would press with particular severity on the people in Three Rivers and Gaspe District, and he felt greatly at a law being forced on the country that could never be enforced. This law will be a dead letter; it was unpleasant for him to say so, but it was his duty to do so. There can be no laws enforced against the nature and circumstances of the country¹². The passing of such Acts rendered the Legislative body contemptible in the eyes of the people ... he thought the best way of settling the question was to move a conference (sic) with the Legislative Council.¹³

A question of order then arose, the Members appearing to be generally ignorant of the method to be adopted. ((There was)) some discussion¹⁴.

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Parke reported that the Committee had come to several Resolutions; which Resolutions were again read at the Clerk's table, as followeth:

Resolved — As the opinion of this Committee, That it doth not concur in the said first amendment.

Resolved — As the opinion of this Committee, That it doth concur in the said second amendment.

Ordered — That the question of concurrence be now separately put upon the said Resolutions.

And the first of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and it was carried in the affirmative.

The second of the said Resolutions being again read, and the question of concurrence being put thereon, it was agreed to unanimously.

Resolved — That this House doth concur with the Committee in the said Resolutions.

Resolved — That a Select Committee, to be composed of Messieurs Armstrong, Neilson, Quesnel, L. M. Viger, Kimber, Harrison, and Hincks, be appointed to draw up reasons, to be offered to the Legislative Council at a conference, for disagreeing to a certain amendment made by their Honors to the Bill, intituled, "An Act to amend two certain Ordinances therein-mentioned, relative to Winter Roads in that part of the Province formerly called Lower Canada."

On motion of Mr. Cameron, seconded by Mr. J. S. Macdonald,

Ordered — That the engrossed Bill from the Legislative Council, intituled, "An Act to afford relief to the Estate of the late Thomas Clarke," be read a second time, to-morrow.

Conference,
Leg. Council,
Winter Roads.

Clarke's relief
Bill.

Gosford Road.

Mr. Hale moved, seconded by Mr. Moore, that an humble Address be presented to His Excellency, the Governor-General, respectfully calling His Excellency's attention to the first clause of the Provincial Statute 4 & 5 Victoria, cap. 28, appropriating the sum of £10,000, sterling, towards the completion of the Gosford Road, through the block of land owned by the Government; and praying that he would cause enquiry to be made whether the intention of the Legislature, and the express words of the Statute, have been followed in the operations had upon the said Road; and also praying that, in the event of his being satisfied that they have not been so followed, he would be pleased to cause all further operations to be suspended.¹⁶

Mr. Parke. — Every one knows that there had been a slight deviation from the words of the Statute. Before condemning the measure, we should know whether it is beneficial or injurious; some latitude should be allowed to those in charge of the work, who are well fitted to judge of its expediency¹⁶

Mr. Hincks said that Mr. Killaly would be in his place on Thursday, and all the information the house required would be given on the subject.¹⁷

Captain Steele strongly recommended the delay. It would be no inconvenience, and it would be better to wait until the proper officer was in his place.¹⁸

Mr. Harrison condemned the conduct of the house in bringing forward such matters in the absence of the President of the Board of Works, the only officer of the Government who could give the information required.¹⁹

Mr. Hale said, that not only had the words of the Statute been deviated from, but they have not been approached — the money has been laid out on a part of the road, not alluded to in the Statute.²⁰ ((He)) made some observations to the effect that ... he was certain the President knew nothing about the matter.²¹

Dr. Dunlop said he wished the powers of the Board of Works were defined to the house; whether the enactments of this house were to be carried out in their true letter and spirit, or whether the Board was to legislate in such manner as it thought proper. He had every possible respect for the gentleman at the head of the Board of Works, and believed that he knew better where a road should be than all the hon. gentlemen put together, but it would save much time and trouble if these powers were defined to the house.²²

Mr. Black knew that the President of the Board of Works could not be every where. Though the powers of that body appear to be vested in that Officer, it is but reasonable to suppose that the Honourable gentleman at the head of the Treasury Benches (Mr. Harrison) who is a member of that Board, could give us some information on the subject; he should be able to give us a statement²³ A grant of £10,000 had been obtained to open a road through the Government Block of land in the county of Sherbrooke, and thus form a direct communication between the Eastern Townships and Quebec, but ... the money instead of being so appropriated, had been expended in the county of Megantic, the thickly settled part of the country²⁴. It is not proper and fit this inquiry should be made. The Government should not desire to suppress this information, they should rather court an investigation. The present motion does not enter into the merits of the question, it merely asks His Excellency (sic) to investigate the subject, and if found an improper delay is being made, to stop the works. He would, however, move that the discussion of the motion be postponed till Thursday, when the President of the Board of Works would be present.²⁵

(103)

On motion of Mr. Black, seconded by Mr. Forbes,

Ordered — That the further consideration of the said motion be postponed, until Thursday next.

Trade Act.

Ordered — That two hundred copies of the Imperial Act of the 5th and 6th Victoria, cap. 49, intituled, "An Act to amend the laws for "the regulation of the Trade of the British Possessions abroad," accompanying the Message of His Excellency, the Governor-General, of the thirteenth of September last, be printed, for the use of the Members of this House.

On motion of Sir Allan N. MacNab, seconded by Mr. Black,

Resolved — That this House will, to-morrow, resolve itself into a Committee of the whole House, on the Petition of Major John Richardson.

Currency Act.

Mr. Roblin moved, seconded by Mr. Gilchrist, That this House will, to-morrow, resolve itself into a Committee of the whole House, to take into consideration the propriety of repealing so much of an Act passed during the last Session of the Present Parliament, intituled, "An Act to regulate the Currency of this Province," as prevents British Silver from being a legal tender beyond the amount of five pounds.

A few remarks ((were made))²⁶.

(103)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Petition of William Morris.

Ordered — That the Petition of William Morris, and others, Inhabitants of the Eastern Townships of Canada East, presented to the House on the twenty-second of September last, be referred to the Special Committee to which was referred the Petition of the North American Committee of the Colonial Society, and other references.

On motion of Mr. Christie, seconded by Mr. Kimber,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to inform this House, whether an enquiry has been instituted, pursuant to an Address of this House of last Session, relative to the administra-

Administration of Justice, Gaspe.

tion of Justice in the inferior District of *Gaspé*, and that His Excellency, if such enquiry have taken place, will be pleased to lay before this House, with all convenient despatch, the result thereof, including the evidence and documents received on the subject.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Mr. *Hamilton* moved, seconded by Captain *Steele*, That when this House doth adjourn, it will adjourn until to-morrow, at eleven o'clock, a.m.

(104)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

On motion of the Honourable Mr. *Hincks*, seconded by the Honourable Mr. *Harrison*.

Ordered — That the item on the order of the day book, for the House to go into a Committee of Supply, be now read.

The order of the day, for the House in Committee of Supply, and on the Report of the Select Committee to which were referred the Message of His Excellency, the Governor-General, accompanying the Estimates for the year 1842, together with the documents connected therewith, and other references, being read,

On motion of the Honourable Mr. *Neilson*, seconded by Mr. *Christie*,

Resolved — That this House renews its Resolutions passed on the eighth of September, 1841, before entering into the Committee of Supply.

The House then resolved itself into the said Committee.

Captain *Steele* took the chair of the Committee;²⁷

Committee of supply.
Mr. *Hincks* moved that a sum of £75,000 be granted to Her Majesty for the expenses of the government not otherwise provided for, out of monies not otherwise appropriated to be accounted for in detail hereafter.²⁸

Mr. *Boulton* thought it necessary that the returns and statements by him asked at the hands of the Ministry, should be previously furnished²⁹, to enable them to ascertain how the vote of last year had been expended, and to see what outlay was indispensably necessary and what was not so.³⁰ The expenditure of the present year has been greater than at any previous time; and he wished some reasons to give his constituents, for voting this enormous sum away.³¹

Mr. *Neilson* would vote for the granting of this £75,000, although he had fault to find with many of the items of expense. It was not in the power of the House to examine into every item of expenditure, at this time. It is only a few years since we are under two Governments; we have had a Military Government and Special Council, and now we have the Union — a new Government, and all we can at present do, is to go on, until we can bring order out of chaos. The items he alluded to, were the following, which were calculated in sterling money, which, he presumed, was more agreeable than currency to those who received it: first, the Adjutants General of Militia, £2,000, this was a sinecure in Lower Canada; Printing — this amounted to about £10,000, this was rather too extravagant, although he would not be opposed to encouraging that noble branch of art; to the Lunatic Asylum of Toronto, 1,500 (sic), for one year — this is a very large sum to be applied for that purpose, in one portion of the Province; to Upper Canada College, £1,000 — this institution is provided for by a grant ((of)) lands, which should be sufficient to support it; for the support of Provincial Penitentiary, £5,073 — in the United States, their Penitentiaries not only supported themselves, but afford a revenue to their Government; to the Police and Stipendiary Magistrates, about £12,000 — this was a totally useless expenditure, we do not require, and there is no need of them. He had mentioned these items, which struck him as exorbitant; he would vote for the amount however.³²

Dr. *Dunlop* although he had no political confidence in the Ministry, yet he did not believe they were thieves or robbers, nor that they spent the public money in an improper manner,

except in two instances, which will come before the House in due time.³³ It was well to grant the money at once, as the session was to be a short one.³⁴ The Member for Niagara wants information ; if he would take half the time he has used in talking to the House about ((it)), he might have made the statement he asks for, from the accounts before the House. The English House of Commons has its Joseph Hume but we are gifted with two of them, — the Hon. Members from Quebec and Niagara. He would call the attention of the House to the Quarantine establishment at Grosse Isle : it was worse than useless. In the time of the Cholera, (having had experience in India,) he assured them that they could not keep the Cholera out of the country : they might as well try to turn back the tide with a pitch-fork. There all sorts of epidemic diseases were huddled together in the kennels they have erected, and it only served to breed disease : he would appeal to any medical man in the House.³⁵ It did no good, but a great deal of harm ; instead of preventing disease from coming into the country, it was a means of generating and spreading it over the land. He had always opposed it and would do so still. It was intended to prevent the Cholera from coming into the country, but it did no such thing. He would sweep this Island off the face of the earth. He was fully persuaded that there all the diseases were congregated, and too often communicated to those who previously had none, and in this way spread over the land ; and he would put it to hon. members whether this had not been the result.³⁶ As to the remarks of the Hon. Member from Quebec relative to the Lunatic Asylum, he has said that one part of the Province is alone benefitted. This is not our fault. The institution is a most desirable one. The unfortunate beings who were suffering under this horrible affliction, were formerly thrust into jails ; and the unfortunate inmates, in addition to their merited punishment, were distracted by the howlings of roaring maniacs.³⁷ It was a humane and valuable institution and he would not withdraw his support from it. He would support the present temporary Asylum until a good one could be provided, and if there ever was a man who eminently succeeded in healing the diseased, Dr. Roch was that man.³⁸ As to the fault found with the educational provisions, he would merely say, that education was much needed in this country, and (he hoped it was not a breach of privilege) in this House too. The provisions for medical education were necessary. If you do not provide for this and cannot afford to send your young men to Great Britain, you must send them to the United States where they will imbibe Republican notions, which are not proper for a British subject. The Penitentiary has been spoken of, and compared with those of the United States. The gentleman is unaware of the fact that a large outlay has been made in buildings, walls, &c.³⁹ The police forces he would not support, as he did not see their utility, and thought the Army of 25,000 strong was sufficient.⁴⁰

Dr. Taché wished to correct the statements of the Hon. Member relative to the Grosse Isle establishment. It was admirably calculated for the purposes intended. Only the sick and infected are obliged to stay at the station, where the buildings are suitable and comfortable ; and there can be no danger of contagion there. He saw no reason for condemning an institution which has done so much good.⁴¹

Mr. Hincks was desirous of answering the hon. member for Niagara, who complained that sufficient information had not been given to the House upon the subject of the public expenditure. He contended that the House possessed the fullest information on the subject.⁴² ((Here he)) produces half a dozen written statements.⁴³ The several sums given to all the officers of the Government, and to all who received of the public money, were given under their several heads, and he did not know what more the hon. member could want. Several gentlemen had asked for reasons why the session was to be a short one. These had been stated over and over again, and he defied them to show him a precedent for Government going on after such changes as had taken place, and he believed the House would sustain them in the course they had taken. Mr. H. noticed the several items to which the member for the County of Quebec alluded, and remarked that the Government had determined to curtail the printing expenses by ceasing to publish the acts in the Gazette. The Lunatic Asylum, which was a temporary one, he would support, until a proper one is prepared.⁴⁴ As to the Militia expenditure, it was intended to revise the system.⁴⁵

Sir A. MacNab. — The hon. gentleman has said that every information is before the House — he (Sir A.) did not look at it in that light. He held in his hand the Address of the House to His Excellency, calling for a tabular statement of all accounts, of all sums paid to the several heads of Departments, and all subordinates. Now in conformity with this notice given on 26th Sept. the hon. gentlemen who occupy the Treasury Benches were called upon to lay on the table of that House, the information desired.⁴⁶ This was asked not for the particular information of the Member for Niagara, but for that of the House. The statements might

have been prepared in two or three days at most, and the Honourable gentleman (who is paid £1000 a year for doing this business) has had a week.⁴⁷

Mr. Hincks. — With respect to the information contended for by the hon. member for Hamilton, he distinctly understood the House not to want it till the next session of Parliament. There has been a misunderstanding upon the point, and the hon. member has no reason for talking as he does. He wants to see the accounts, not in a complicated form, but in some other way more suited to his taste. But let him look at the present estimate of expenses and he will find that all the accounts are separate — the accounts of the expenses of heads of Departments — and of all receiving salaries under the Government — and of all expenditure.⁴⁸

Mr. Moffatt made some observations about the good humour with which the House proceeded to the disposal of such a sum of money, and that he would not disturb it.⁴⁹ This House, in granting this money, to enable the Executive to go on, pledges itself to nothing. The Member for Quebec, and others, have raised their voices, that the Ministry may not be lulled into a blissful security. In addition to the information already asked, there was another important part to come. The Blue Book had not been laid on the table this Session. The Honourable Member for Niagara may soon be called upon to express his admiration of that Responsible Government which he so much applaudes (sic); he could not have the slightest objection to carry its principles out, by voting the pensions recommended by the Governor General.⁵⁰

Mr. Merritt would make some remarks upon Responsible Government. The hon. gentleman who had spoken last says, it is the effect of Responsible Government; but he would find that it was no such thing, and that Responsible Government when fully and fairly worked out, instead of increasing the expences, will greatly curtail them. It was expected when the Union took place that the expences of conducting the Government would be diminished, but it did appear that they were greatly augmented. But they must be reduced, and if the Gentlemen upon the Treasury Benches do not take some means of doing it others must take their places who will. In the United States all the revenue is derived from internal taxation: they have much less means at their command than we have, yet they have improved their country much more.⁵¹ He said that they derived a large revenue from the sale of lands, and we had managed so as that the land was unable to pay the expenses of the department.⁵² The Inspector General says the accounts are complete, and satisfactorily made out. Why, all are looking for information, which would not be the case if they were so made out as to shew at once the expenditure of each Department, and the amount paid to every individual. He complained of any system that did not shew the receipts and expenditure of each Department at a glance. He would vote for the motion, but trusted that the finances of the country would be sufficiently investigated, and that the accounts would be so kept, and affairs so conducted that no body would have reason to complain. He found that already there was a Pension List of £20,000 and he did not see any reason for pensions being attached to any office, or given whilst the individuals were capable of conducting the business.⁵³

Mr. Hincks said the hon. member who has just sat down has made statements about the public accounts which are not correct; and which shews how careful he ought to be before he makes such assertions. He has stated that the pension list is £20,000. Now if he had said £6,000 he would have been nearer the truth. He expatiated at some length upon the subject of the Land Revenue⁵⁴.

The hon. member from Niagara ((**Mr. Boulton**)) cried "hear hear."⁵⁵

((**Mr. Hincks** continued :)) All particulars respecting the land revenue are clearly stated, and any one can satisfy himself upon the subject in five minutes. For his own part he did not see how the several statements could be made more plain.⁵⁶ The land revenue was as clearly and distinctly laid down in the accounts as they could be, and so was the Customs department, and every other source of revenue in the Province, without the honourable member (**Mr. Merritt**) wished to have trunks full of papers brought into the house, and if they were, perhaps no one in the house would take the trouble of looking at them.⁵⁷

Mr. Merritt acknowledged that he had fallen into a mistake upon the amount of the Pension List.⁵⁸

Mr. Boulton remarked that he neither wished cart or wheelbarrow loads of accounts; he merely wanted what he had demanded, and had a right to be put in possession of.⁵⁹

Sir Allan MacNab said, the granting of £75,000 of the public money was a very serious matter. He said that in England there was but one Attorney General, and one Solicitor General; in Canada there were two of each, — and he considered that to be more than was necessary. He enumerated the other officers of the government, and said the number on the treasury benches was too great and too strong for any constitutional opposition ever to keep it in check.⁶⁰ This gave the Ministry too great a weight in the House — thus staking collectively eleven of the most talented men in the country against the minority; he hoped the Government, ere long, would give some notices to quit.⁶¹

Mr. Viger ... said that England had one, Scotland one, and Ireland one, and that these United Provinces certainly required two.⁶²

Mr. Parke said there certainly was little revenue derived from the public lands, but the reason was evident. The proceeds of those lands had been expended in grants of various kinds — grants for surveying, schools, colleges, &c., and how could it be expected that under such a system as this, that there could be much remaining; still there was a small balance. If this system of grants was done away with, there would be a considerable revenue derived from this source; and he looked forward with bright anticipations to the future, and hoped to see the day that it would be so.⁶³

Mr. Thompson coincided with the last Hon. Member; he would object, as an instance, to the payment of the sum of £500 to a Magistrate on the Welland Canal — he was not needed, as there was enough of them ready to do the work for nothing.⁶⁴ He thought as they now stood upon the grounds of Responsible Government they ought to proportion the salaries to the resources of the Province. In this respect he thought they ought to be guided by the United States. (Here the hon. member read a passage from a statistical work upon the Government of the State of New York, shewing what small salaries were given to their public officers.)⁶⁵ Mr. Thompson ... said though much lower the business of the former was as well done.⁶⁶

Mr. Cartwright thought if the New York scale were followed here it would soon put an end to Responsible Government. If, however, we must have it, let us pay well, because we could not find men possessing the requisite qualifications willing to accept office, to be unceremoniously turned out, unless some considerable inducement was given. He was opposed to the Government, but he would not throw unnecessary opposition in their way. He thought if the New York plan of giving \$1000 salaries to public officers performing difficult and responsible duties were followed, they could not obtain men of sufficient talent. He thought the salaries should be liberal, but not extravagant.⁶⁷

Mr. Thompson would ask if men of talent were not found in the United States to do it.⁶⁸

Mr. Dunn thought the hon. gentleman (Mr. Thompson) had not done the United States justice. If he goes to Washington he will find \$6,000 a year given to heads of Departments. It was easy however, to understand the motives that influenced those who made such statements. They were generally made for electioneering purposes.⁶⁹

M. J. S. Macdonald alluded to the many robberies and defalcations in the United States, consequent upon this system.⁷⁰ ((He)) said ... they generally paid themselves when they were not paid by the country.⁷¹ They should be well paid. Rents were very high in Kingston, as the Member from Lenox and Addington (Mr. C.) had a good opportunity of knowing, but when the seat of Government is removed, they can be diminished.⁷²

Mr. Neilson maintained that there were men of talent and ability whose services were obtained in the State of New York. True, there have been defalcations⁷³, ((but)) there were as serious defalcations in the public offices of Canada, if not more so than ever took place in America.⁷⁴ But now we are getting on in a different way.⁷⁵

The motion was put and carried without a division.⁷⁶

Mr. Morris submitted a resolution authorizing the purchase of the notes issued in 1837, by the President of the St. Lawrence Canal Commissioners, amounting to £8,000. He stated that many poor individuals held these notes without being able to dispose of them except at a large sacrifice. One individual holding £300 or £400 had been under the necessity of selling them at 20 per cent. discount to save his property from the hands of the Sheriff (sic). It was a case of extreme hardship, and as he had applied unsuccessfully to the Government, he brought the matter before the House, not knowing what course to take.⁷⁷ Mr. Morris inquired of Mr. Harrison whether the £8000, being the amount of notes issued by the commissioners

of public works to the contractors on the St. Lawrence Canal, were to be paid out of the £75,000 now granted.⁷⁸

Mr. Harrison said not.⁷⁹

Mr. Morris said he was sorry it was so, the holders of these notes many of them with executions pending over them, could not raise one shilling though holding the notes since 1838, the time when the works were suspended by government.⁸⁰

Mr. Hincks stated that the Government had no money wherewith to pay those Debentures, but as the subject was under the consideration of the Government, he had reason to believe that these demands would be met with as little delay as possible.⁸¹ ((He)) stated his belief that the debentures were issued by the Commissioners, unauthorized by Government⁸².

No — ((cried **Mr. Morris**))⁸³.

At least, they spent money without authority, ((**Mr. Hincks** amended.))⁸⁴

Mr. Morris had the misfortune to be one of the Commissionees (sic), and begged to correct the erroneous idea of the Hon. Inspector General.⁸⁵

Mr. Moffatt said that for years £8,000 had been due by the Government to poor labourers, against some of whom executions had been issued and they were about to be ruined, and their families turned out of doors, yet the House was to have no explanation from the Ministry. They had money to commence the Beauharnois Canal, and how was it these poor laborers were left unpaid. It was disgraceful to the Government.⁸⁶

Mr. Viger asked if the statements which had been made were true, what had the House to do with the matter?⁸⁷

Mr. Moffatt said it might have been paid out of the moneys appropriated last Session; there was no reason for delay in the payment of a just debt.⁸⁸

Mr. Hincks said there was some hopes (sic) on the part of government that the money would be paid out of the sum appropriated in the improvement of the navigation of the St. Lawrence.⁸⁹

Mr. Harrison said he knew not but that it may become a question whether that money will not be paid out of the loan about to be applied for, and he thought the matter might be postponed for the present, there was little doubt but the notes would be paid out of the loan or the sum appropriated for the improvement of the river St. Lawrence.⁹⁰

As the motion of Mr. Morris was out of order, the matter dropped. **Mr. Hincks** assuring the House that inquiry would be made into the matter, and the notes redeemed as early as possible.⁹¹

Mr. Hincks moved that a sum of £25,000 be granted to Her Majesty, out of money not otherwise appropriated, to defray the expenses of the government not otherwise provided for, for a period extending from January 1st, 1842, to March 31st, 1843; to be accounted for in detail hereafter.⁹²

((This motion was)) granted.⁹³

Mr. Hincks moved that £500 be granted to Dr. Rolph for his services as Emigrant Agent. Before he put the motion, he would remark, that he was one of those individuals who could not see the advantages of employing an Emigrant Agent, and was opposed to the employment of Dr. Rolph. Meetings however, were held in different parts of Western Canada, and it was agreed to send Dr. Rolph to England. The Government finding that he was going at any rate, thought it would be well to sanction his mission, and have some controul over his proceedings. There were no funds at the controul of the Government for such a purpose, and he was only led to know that his services would be recommended to the consideration of Parliament. He went, and laboured with great zeal and ability. He returned to this country, and again applied in 1840 to be appointed, and he was again told the position in which the Government stood respecting funds, but led to believe that remuneration would be given. It was, therefore, the duty of the Government to bring the subject before the House, and he would mention that they have it not in contemplation to employ an emigration agent again, and that Dr. Rolph's services will not be required. He acknowledged his zeal and activity, and though he was opposed to his appointment, he was desirous that he should be remunerated.⁹⁴

Dr. Dunlop said he could not but remark on the very ungracious manner in which the hon. member for Oxford had brought his motion forward; the tone of his address was as if he was asking alms for a beggar, which those applied to might either give or refuse, and not a compensation for services performed. The hon. gentleman has told us there is no advantage in having an Emigrant Agent. I will tell him that I know more about Emigration than he does, or all the members on the floor of this House together. (Laughter.) Yes, I repeat it, and I know that such an agent is necessary. We have been told that Dr. Rolph had received the approbation of the people on this side the Atlantic; that thanks and addresses have been voted, and dinners given him from one end of the Province to the other. And why? because the people understand and appreciate the value of his services — and now the hon. gentleman comes down here with apparent reluctance, and asks for the enormously extravagant sum of £500 to remunerate that gentleman for crossing the Atlantic six times, and rendering three years services to the Government? I tell that hon. gentleman that if he but goes direct to London, and makes his bow to St. Paul's Churchyard, turns round and comes direct home it will cost him at least £110, unless, indeed, he takes a deck and steerage passage; and Dr. Rolph's voyages must at least have cost him £480 — so that you leave him £20 for his services! You don't allow him a single sixpence towards defraying his necessary expenses in England, Ireland and Scotland, and visiting and addressing the people at many of their market towns. I will read Lord Sydenham's Despatch on the subject, which perhaps will put the matter in a different light. (Here the hon. gentleman read Lord Sydenham's Despatch to Lord John Russell, stating that it was absolutely necessary that an agent on the part of the Province, should travel through the country and by *viva voce* addresses give the people the necessary information on the subject of emigration, and recommending Dr. Rolph as being well qualified for such a mission.) He would appeal to the House whether immense advantages had not accrued the Province from the Doctor's labours and, said the hon. gentleman instead of having one Dr. Rolph, little as he is, you should have twenty. The country wants just such Agents to lay our claims before our fellow subjects at home, and to draw here a portion of the redundant population and wealth of the Mother Country.⁹⁵

Sir Allan MacNab said it was his duty to defend his friend, Dr. Rolph. That gentleman was not popular with the hon. gentlemen on the Treasury Benches. Their political feelings were altogether opposite to his, and no better proof of that could be afforded than the manner in which the hon. member for Oxford had introduced the motion. The hon. gentleman had "damned the claim with faint praise" clearly and distinctly. Dr. Rolph was appointed by Lord Sydenham, at the request of meetings held throughout the whole Province, and which were attended by men of all parties. He went home, and returning to this country, applied to His Excellency and was again sent home. He was well fitted for the task he had undertaken; his intimate knowledge of the country; his ready manner of communicating information, as well as ready writing, eminently qualified him for the task. He would read the opinion of Lord Sydenham, and he imagined that opinion was as good as that of any hon. member on the floor of that house. (Sir Allan here again read Lord Sydenham's despatch.) He conceived it was spitting upon that nobleman's grave, thus to treat a man whom he had selected to perform an important mission.⁹⁶

Mr. Hincks said that he had merely expressed his private opinion; and as it was not the intention of the present administration to employ again an Emigrant Agent, it became his duty to state it to the House.⁹⁷

Mr. Moffatt severely rebuked the contemptuous manner in which Mr. Hincks had introduced Dr. Rolph's name.⁹⁸

Mr. Merritt believed Dr. Rolph an active Agent, but the question was, were his services required. He did not think so, though he would vote for the motion. The great object of the Government ought to be to provide for the destitute Emigrant, and to put the country, in a proper state, and then Emigration will flow to it without the influence of Emigrant Agents.⁹⁹

Mr. Hopkins was always opposed to employing Emigrant Agents. He thought it was the policy of the country which would prove the best agent. Every Township was an Emigrant Agent, for there was not a packet that returned to England but conveyed news from this country.¹⁰⁰

Sir Allan MacNab again rose to speak, and was interrupted by several cries of "question." There are several gentlemen in this House, whose sole business is to cry "question, question." They may be useful occasionally, but more frequently are the reverse. He was doing his duty

to the country and his constituents, and was not to be put down by any Member, when in the discharge of that duty. He then read Lord Sydenham's opinion of Dr. Rolph's abilities and services, and made several comments thereupon.¹⁰¹

Mr. Durand rose and said that before giving a silent vote — (here he was interrupted by roars of laughter) — he would express his opinion as to the appointment, and that was that he did not deem it necessary to employ an Emigrant Agent. They wanted but good government and peace in the country to induce the flow of emigration.¹⁰²

Mr. Parent wished to say a few words. He would take this opportunity of rebutting the calumnious assertion that the inhabitants of Lower Canada were opposed to Emigration. The vote upon the question before the House would show how unfounded the imputation was.¹⁰³

The motion was then put and carried, 6 only dissenting.¹⁰⁴

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Captain *Steele* reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same; and also, that he was directed by the Committee to move for leave to sit again.

Ordered — That the Report be received, to-morrow.

Ordered — That the said Committee have leave to sit again, to-morrow.

The Honourable *S. B. Garrison*, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor-General,

Annual Report (for 1842,) of the Commissioners of the temporary Lunatic Asylum at *Toronto*, established in conformity with an Address of the House, dated, 8th February, 1840.

[For the said Report, see Appendix (U.) at the end of this Volume.]

A Message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment.

"An Act to change the place of the Registry Office for the County of *Middlesex*."

"An Act for better preventing the obstruction of Rivers and Rivulets, in *Canada East*."

"An Act for the qualification of Justices of the Peace."

"An Act to repeal certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relative to the administration of Justice."

And then he withdrew.

Registry Office,
Middlesex.

Rivers obstruc-
tion.

Justices qualifica-
tion,
Administration
of Justice.

Winter roads.

Mr. *Armstrong*, from the Select Committee appointed to draw up reasons to be offered to the Legislative Council, at a Conference for disagreeing to a certain amendment made by their Honors to the Bill, intituled, "An Act to amend two certain Ordinances therein mentioned, "relative to Winter Roads in that part of the Province formerly called "Lower Canada," reported that the Committee had drawn up the said reasons; which reasons were again read at the Clerk's table, and agreed to by the House, and are as followeth: —

"1st. Because the Ordinance 3 *Vic. cap. 25*, enacted that the sleighs to be used in *Lower Canada* should be of the width of two and a half English feet between the inside of the runners; and the persons who have conformed to the Ordinance have incurred great expense in procuring sleighs conformable thereto.

Winter roads.

" 2nd. Because the proposed change making the width forty inches, will entail new and heavy expenses on the owners of sleighs, without any adequate benefit to themselves or the public.

" 3rd. Because the distinction between loaded and unloaded sleighs increases the difficulty, and is odious, inasmuch as those who require to use the loaded sleighs are mostly of the poorest classes of the people, living by the exercise of their industry, and who stand most in need of the relief intended by the Bill.

" 4th. Because the amendments to the afore-mentioned Ordinance, contained in the Bill passed by this House, are a compromise among the Representatives from *Lower Canada*, on matters in which there is much popular opposition, and which, if deranged by the proposed amendments, would excite great discontent."

Resolved — That a Conference be desired with the Honourable the Legislative Council, for the purpose of communicating to them the reasons which induced this House not to concur in a certain amendment made by their Honors to the Bill, intituled, "An Act to amend two "certain Ordinances therein mentioned, relative to Winter Roads in "that part of the Province formerly called *Lower Canada*."

Ordered — That Mr. Armstrong do go to the Legislative Council, and desire the said Conference.

Loan.

The Honourable Mr. Hincks moved, seconded by the Honourable Mr. Harrison, That the item on the order of the day book, relating to the Message of His Excellency, the Governor-General, upon the subject of the Loan proposed to be raised for the benefit of this Province upon the guarantee of an Act of the Imperial Parliament, be now read.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

The order of the day, for the House in Committee, to take into consideration the Message of His Excellency, the Governor-General, upon the subject of the Loan proposed to be raised for the benefit of this Province, upon the guarantee of an Act of the Imperial Parliament, being read,

The House, accordingly, resolved into the said Committee.

Mr. Roblin took the chair of the Committee; ¹⁰⁶

Mr. Hincks stated that the only terms upon which the loan could be granted was to pay by a sinking fund of five per cent. on the consolidated fund of the country. The money so obtained was to be applied to public works and no other.¹⁰⁶

The motion ... ((was)) carried for obtaining the loan¹⁰⁷.

((A motion was made)) for the payment thereof by a sinking fund of five per cent on the consolidated fund being appropriated thereto.¹⁰⁸

Mr. Merritt hoped the English government would insist upon the payment of five per cent.¹⁰⁹

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had come to several Resolutions ; which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth : —

Resolved — That it is expedient, in order to secure the application of the assistance of *Great Britain* in the most direct manner to the benefit of this Province, that the Loan of £1,500,000, sterling, be raised under the guarantee of the Imperial Parliament, should be applied directly to the execution of the Public Works enumerated in an Act passed in the last Session of the Parliament of this Province, intituled, "An Act to appropriate certain sums of money for Public Improvements, and for other purposes therein mentioned," and to no other purpose.

Resolved — That in order to provide means for the repayment of the said Loan of £1,500,000, sterling, it is expedient that a Sinking Fund should be established, and that such portion of the Consolidated Revenue Fund of this Province not exceeding five per centum on the amount of the said Loan, as the Governor of this Province, by and with the advice of the Executive Council, shall direct, shall annually be set apart for the purpose of forming such Sinking Fund, and shall be invested by the Receiver General, in such manner as the Governor, by and with the advice of the Executive Council, shall direct and appoint.

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Loan Bill.

Ordered — That the Honourable Mr. Hincks have leave to bring in a Bill to authorise the raising, by way of Loan, in *England*, of the sum of one million five hundred thousand pounds, sterling, for the construction and completion of certain Public Works in *Canada*.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, to-morrow.

Foreign Wheat.

Mr. Boulton, from the Committee of the whole House, on the Bill to impose a duty upon Foreign Wheat imported into this Province, reported, according to order, the amendment made by the Committee to the said Bill; which amendment was again read at the Clerk's table.

The Honourable Mr. Harrison moved, seconded by Mr. Parke, That the question of concurrence be now put upon the said amendment.

Mr. Black moved in amendment, seconded by Mr. Hale, That all the words after "That," in the said motion, be struck out, and the following substituted, "the said Bill be now re-committed to a Committee of the whole House, for the purpose of adding after the "word 'next,' in the ninth line of the second page, the following "words: 'Provided, Wheat and Wheat Flour imported into the "United Kingdom from *Canada* be then admitted into the said United "Kingdom free of duty; and if they be not then so admitted, then "from and after the day on which, and so long as they shall continue "to be so admitted.' "

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Berthelot, Black, Burnet, Boulton, Cartwright, Chesley, Christie, Delisle, Dunlop, Dunscomb, Forbes, Hale, Hamilton, Leslie, Sir Allan MacNab, McLean, Neilson, Simpson, and Yule. (19.)

NAYS.

Armstrong, Boswell, Boutillier, Cameron, Cook, Daly, Derbyshire, DeWitt, Dunn, Durand, Foster, Gilchrist, Harrison, Hincks, Hopkins, Jones, J. S. Macdonald, Merritt, Moffatt, Moore, Morris, Papineau, Parke, Quesnel, Roblin, Harmannus Smith, Thompson, Turcotte, D. B. Viger, L. M. Viger, and Williams. (31.)

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

And the said amendment being again read, and the question of concurrence being put thereon, it was agreed to by the House; and,

Resolved — That this House doth concur with the Committee in the said amendment.

Ordered — That the said Bill, as amended, be engrossed.

An engrossed Bill, to impose a duty upon Foreign Wheat imported into this Province, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. Harrison do carry the said Bill to the Legislative Council, and desire their concurrence.

Certain Ordinances Bill.

Mr. DeWitt, from the Committee of the whole House, on the Bill to continue, for a limited time, certain Acts and Ordinances, and to extend the provisions of one of the Ordinances so extended, reported, according to order, the amendment made by the Committee to the said Bill; which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

An engrossed Bill, to continue, for a limited time, certain Acts and Ordinances, and to extend the provisions of one of the Ordinances so extended, was read for the third time.

Resolved — That the Bill do pass, and the title be, "An Act to continue, for a limited time, certain Acts and Ordinances."

Ordered — That the Honourable Mr. Harrison do carry the said Bill to the Legislative Council, and desire their concurrence.

Commercial Bank Charter.

Mr. Barthe, from the Committee of the whole House, on the Bill to extend the Charter of the Commercial Bank of the *Midland* District, and to increase its capital stock, reported, according to order, the amendments made by the Committee to the said Bill; which amendments were again read at the Clerk's table.

Mr. Morris moved, seconded by Mr. Parke, That the question of concurrence be now separately put upon the said amendments.

Mr. Boulton moved, in amendment, seconded by Mr. Thompson, That all the words in the said motion after "That," be struck out, and the following substituted, "the said Report and Bill be re-committed, "with an instruction to consider the propriety of expunging the word "ten" in the proviso to the seventh Clause, designating the number of "Shares to be held by each Director, and the insertion of 'forty' in "lieu thereof; and also, of expunging the twenty-ninth Clause, or of "inserting after the word 'thereto,' in the said Clause and immediately before the proviso, the following words: 'And that the deficit "required shall be assessed ratably upon each Shareholder in proportion "to the number of Shares held by each, in such manner that no one "Shareholder be called upon to pay more than another in respect of "each Share, and that no Stockholder be called upon for more than "his proportion, although others may neglect to pay theirs.' And also, "of expunging the whole of the twenty-second Clause, after the word "enacted," and inserting the following: 'That no person shall transfer "the Shares which he holds, or shall have held, during the time of his "being a Director, as aforesaid, until six calendar months after he shall "have gone out of the direction of the said Bank; and that a separate "discount sheet shall be kept and laid before the Directors at each "meeting of the Board, designating the several discounts asked for "by each Director, or of paper whereon the name of any Director shall "be, either as maker, drawer, acceptor, or endorser; and that such "discounts shall be decided by an open vote, and that two votes shall "be sufficient to negative such application for such discount; and "that any Director dissenting, may cause his dissent to be entered on "the minutes of the said Board, signifying such dissent; and that all "the Directors who shall approve of any such discount to, or on the "security of any Director, shall, and they are hereby held, made and "declared, to be jointly and severally responsible and liable to the said "Bank for any loss which may accrue to the said Bank by reason thereof, "and which loss shall be ascertained after all the parties to the paper, "so discounted, shall have been ineffectually prosecuted, and shall be "recoverable against the said Directors, or any of them, in an action "of debt or *assumpsit*, as upon an account stated, of which a certificate under the hand of the Cashier, shall be *primâ facie* evidence. "Provided, that upon any trial of any action to be brought against any "such Director or Directors, it shall be lawful for the defendant to "diminish the amount, by shewing payments which the Cashier shall

" not have taken into account ; and provided always, that no transfer " of the Stock of any Director, after he shall have ceased to be a " Director, shall be made, until the Cashier shall have certified " to the Board, that all paper cashed or discounted for such Di- " rector, or his security, hath been fully paid and satisfied.' And " also, that the following proviso be added to the twenty-sixth " Clause : ' Provided always, and be it further enacted, That in

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" the event of the said Bank stopping payment, it shall not be " lawful for the Directors, or other persons having the management " of its affairs, during three months next after such stoppage, and " before resumption of payment, to pay any debt or demand against " the said Bank, save the notes thereof which shall have been put in " circulation, by the said Bank, nor until all the notes presented for " payment during that period shall have been first fully paid and " satisfied."

(Prev. Ques.)

Mr. *Boswell* moved, seconded by the Honourable Mr. *Moffatt*, the previous question, viz :

Shall the question be now put on the motion of amendment ?

The House divided thereon, and it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

And the said amendments being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House ; and,

Resolved — That this House doth concur with the Committee in the said amendments.

Ordered — That the said Bill, as amended, be engrossed.

An engrossed Bill to extend the Charter of the Commercial Bank of the *Midland* District, and to increase its Capital Stock, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. *Morris* do carry the said Bill to the Legislative Council and desire their concurrence.

The order of the day, for the House in Committee on the Bill to extend the Charter of the Bank of *Upper Canada*, and to increase the Capital Stock thereof, being read,

Ordered — That the said order of the day be postponed, until to-morrow, and that it be then the first order of the day.

On motion of the Honourable Mr. *Viger*, seconded by the Honourable Mr. *Neilson*,

Ordered — That the orders of the day that have not been disposed of, be postponed, until to-morrow.

Then on motion of the Honourable Mr. *Viger*, seconded by Mr. *Dunlop*,

The House adjourned.

Appendix, 4 October 1842.

((Questions and Answers Re : Beauharnois Canal Committee.))¹¹⁰

Mr. *Moffatt* from the committee on the Beauharnois Canal, said he had two questions to ask the hon. Secretary — First, at what time would Mr. Killaly be enabled to appear before the committee : and, secondly, whether Parliament w'd be prorogued before sufficient time elapsed to enable the committee to prepare and present a report.¹¹¹

Mr. *Harrison* stated with respect to the First, that he fully believed Mr. Killaly would be in his place on Thursday : as to the second he knew not in what state the committee were, or how long it would require to prepare a report, but it was highly important that time should be given them.¹¹²

Footnotes — 4 October 1842.

1. "The House met at 11 o'clock. MONTREAL TRANSCRIPT, 8 October 1842. See also BRITISH COLONIST, 12 October 1842.
2. KINGSTON CHRONICLE, 5 October 1842.
3. IBID.
4. This debate was reported by : KINGSTON CHRONICLE, 5 October 1842 ; BRITISH COLONIST, 12 October 1842 ; MONTREAL TRANSCRIPT, 8 October 1842 ; MONTREAL GAZETTE, 7 October 1842 ; and EXAMINER, 12 October 1842.
5. EXAMINER, 12 October 1842.
6. MONTREAL GAZETTE, 7 October 1842.
7. EXAMINER, 12 October 1842.
8. IBID.
9. MONTREAL GAZETTE, 7 October 1842.
10. IBID.
11. IBID.
12. BRITISH COLONIST, 12 October 1842.
13. MONTREAL GAZETTE, 7 October 1842.
14. IBID.
15. This debate was reported by : BRITISH COLONIST, 12 October 1842 ; MONTREAL GAZETTE, 7 October 1842 ; MONTREAL TRANSCRIPT, 8 October 1842 ; EXAMINER, 12 October 1842 ; and KINGSTON CHRONICLE, 5 October 1842.
16. MONTREAL GAZETTE, 7 October 1842.
17. BRITISH COLONIST, 12 October 1842.
18. IBID.
19. IBID.
20. MONTREAL GAZETTE, 7 October 1842.
21. KINGSTON CHRONICLE, 5 October 1842.
22. EXAMINER, 12 October 1842.
23. MONTREAL GAZETTE, 7 October 1842.
24. EXAMINER, 12 October 1842.
25. MONTREAL GAZETTE, 7 October 1842.
26. IBID. This paper reported the Motion in different words: "*Mr. Roblin proposed that the House resolve itself into a Committee of the whole, to take into consideration the propriety of repealing or amending a certain clause of the currency bill, by which British silver is a legal tender for the sum of £ 2 10s.*"
27. This debate was reported by : MONTREAL TRANSCRIPT, 8 October 1842 ; EXAMINER, 12 October 1842 ; KINGSTON CHRONICLE, 5, 8 October 1842 ; LA MINERVE, 5 October 1842 ; and LE CANADIEN, 10 October 1842.
28. BRITISH COLONIST, 12 October 1842.
29. MONTREAL GAZETTE, 7 October 1842.
30. KINGSTON CHRONICLE, 8 October 1842.
31. MONTREAL GAZETTE, 7 October 1842.
32. IBID.
33. IBID.
34. KINGSTON CHRONICLE, 8 October 1842.
35. MONTREAL GAZETTE, 7 October 1842.
36. KINGSTON CHRONICLE, 8 October 1842.
37. MONTREAL GAZETTE, 7 October 1842.
38. KINGSTON CHRONICLE, 8 October 1842.
39. MONTREAL GAZETTE, 7 October 1842.
40. KINGSTON CHRONICLE, 8 October 1842.
41. MONTREAL GAZETTE, 7 October 1842.
42. KINGSTON CHRONICLE, 8 October 1842.
43. MONTREAL GAZETTE, 7 October 1842.
44. KINGSTON CHRONICLE, 8 October 1842.
45. MONTREAL GAZETTE, 7 October 1842.
46. KINGSTON CHRONICLE, 8 October 1842.
47. MONTREAL GAZETTE, 7 October 1842.
48. KINGSTON CHRONICLE, 8 October 1842.
49. IBID.
50. MONTREAL GAZETTE, 7 October 1842.
51. KINGSTON CHRONICLE, 8 October 1842.
52. BRITISH COLONIST, 12 October 1842.
53. KINGSTON CHRONICLE, 8 October 1842.
54. IBID.
55. IBID.
56. IBID.
57. BRITISH COLONIST, 12 October 1842.
58. KINGSTON CHRONICLE, 8 October 1842.
59. MONTREAL GAZETTE, 7 October 1842.
60. BRITISH COLONIST, 12 October 1842.
61. MONTREAL GAZETTE, 7 October 1842.
62. KINGSTON CHRONICLE, 8 October 1842.
63. IBID.
64. MONTREAL GAZETTE, 7 October 1842.
65. KINGSTON CHRONICLE, 8 October 1842.
66. BRITISH COLONIST, 12 October 1842.
67. KINGSTON CHRONICLE, 8 October 1842.
68. MONTREAL GAZETTE, 7 October 1842.

69. KINGSTON CHRONICLE, 8 October 1842.
70. MONTREAL GAZETTE, 7 October 1842.
71. BRITISH COLONIST, 12 October 1842.
72. MONTREAL GAZETTE, 7 October 1842.
73. KINGSTON CHRONICLE, 8 October 1842.
74. BRITISH COLONIST, 12 October 1842.
75. KINGSTON CHRONICLE, 8 October 1842.
76. BRITISH COLONIST, 12 October 1842.
77. EXAMINER, 12 October 1842.
78. BRITISH COLONIST, 12 October 1842.
79. IBID.
80. IBID.
81. KINGSTON CHRONICLE, 8 October 1842.
82. MONTREAL GAZETTE, 7 October 1842.
83. IBID.
84. IBID.
85. IBID.
86. KINGSTON CHRONICLE, 8 October 1842.
87. IBID.
88. IBID.
89. BRITISH COLONIST, 12 October 1842.
90. IBID.
91. KINGSTON CHRONICLE, 8 October 1842.
92. BRITISH COLONIST, 12 October 1842.
93. IBID.
94. KINGSTON CHRONICLE, 8 October 1842.
95. IBID.
96. IBID.
97. IBID.
98. BRITISH COLONIST, 12 October 1842.
99. KINGSTON CHRONICLE, 8 October 1842.
100. IBID.
101. MONTREAL GAZETTE, 7 October 1842.
102. EXAMINER, 12 October 1842.
103. KINGSTON CHRONICLE, 8 October 1842.
104. IBID.
105. The debate on this was reported by : MONTREAL TRANSCRIPT, 8 October 1842 ; KINGSTON CHRONICLE, 5, 8 October 1842 ; and BRITISH COLONIST, 12 October 1842.
106. BRITISH COLONIST, 12 October 1842.
107. IBID.
108. IBID.
109. IBID.
110. This matter was reported in : BRITISH COLONIST, 12 October 1842 ; MONTREAL GAZETTE, 7 October 1842 ; EXAMINER, 12 October 1842 ; and MONTREAL TRANSCRIPT, 8 October 1842.
111. EXAMINER, 12 October 1842.
112. IBID.

Wednesday, 5 October 1842.

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4 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table :

By Mr. *Dunscomb*, the Petition of the Reverend *J. H. Allen*, and others, Members of the Church of England, in the Diocese of *Quebec*.

By Mr. *Boswell*, the Petition of *Ebenezer Perry*, and others, of the town of *Cobourg*.

By Mr. *Hamilton*, the Petition of *John Hardeley*, and others, of the District of *Gaspé*.

By Mr. *Christie*, the Petition of Messieurs *Le Boutillier*, Brothers, and others, of the Eastern part of *Bonaventure*.

An engrossed Bill to extend the powers of the British *America Fire and Life Assurance Company*, to Marine Assurances, was read for the third time.

The Honourable Mr. *Moffat* moved, seconded by the Honourable Mr. *Dunn*, that the following clause, marked A, be added to the said Bill, by way of *Ryder*, and make part thereof.

A.

" Provided always, and be it enacted, That the Return which the " said Company are bound to make yearly, to the Provincial Parliament " under the twenty-fifth section of the Act, by which they are incorpo- " rated, shall be furnished yearly in triplicate; and one copy thereof " shall be laid before each Branch of the Provincial Legislature, within " ten days after the opening of each Session thereof; and such Return " shall include lists of the names of all and each of the Stock-holders " who hold shares in the Stock of the Corporation, and a Statement of " the assets and liabilities of the Corporation, mentioning more espe- " cially the sum or amount then paid up, and in the hands, and at the " disposal of the Corporation, as well as the particulars required by " the said 25th section of the said Act of incorporation; and shall extend " to and include all business which the Corporation are authorised to " transact by this Act, and shall be attested in the manner by the said " 25th section provided."

The said clause being thrice read, and the question of concurrence being put thereon, it was agreed to by the House.

Resolved — That the Bill do pass.

Ordered — That Mr. *Boulton* do carry the said Bill to the Legislative Council, and desire their concurrence.

Pursuant to the order of the day, the following Petition was read :

Of the District Council of the District of *Ottawa*, praying that the northern Concessions of the townships of *Lochiel* and *Kenyon* be annexed to the County of *Prescott*, in the said District.

The Honourable Mr. *Neilson*, from the Special Committee to which was referred the Petition of *Robert F. Gourlay*, of *St. Catherines*, presented to the House the report of the said Committee; which was again read at the Clerk's table, and is as followeth :

" Your Committee, in the present state of the Session, have not thought it expedient to enter into any enquiry into the reasons that have prevented the Address of this House to His Excellency, the Governor-General, of the sixteenth of September, 1841, and the

Petition read ;
Ottawa District
Council.Report on
Petition of
Robt. Gourlay.

report therein referred to, from being fully acted upon, and are of opinion :

“ That in consideration of the losses and misfortunes of *Robert F. Gourlay*, Esquire, as set forth in the investigation of his Petition of last year, he is entitled to an adequate provision in the form of an Annuity, during his natural life, and humbly recommend that the same be submitted to His Excellency, the Governor-General.”

Ordered — That the said report be referred to a Committee of the whole House, to-morrow.

The Honourable Mr. *Neilson*, from the Special Committee to which were referred the Petition of the Reverend the Religious Ladies of the Ursuline Convent of *Quebec*; and the Petition of *John Bonner* and *William Petrie* of *Quebec*, presented to the House the report of the said Committee ; which was again read at the Clerk's table, and is as followeth :

“ Your Committee, in relation to the Petition of the Ladies Ursulines, are of opinion, that the question which it involves is of too much importance to come to any conclusion thereon, without a further investigation than can be bestowed upon it during the present Session, and they recommend that its consideration be resumed at the ensuing Session, trusting, that in the mean time, no steps will be taken by the Executive Government, which may prejudice the claims of the Petitioners.

“ In relation to the Petition of Messieurs *Bonner* and *Petrie*, your Committee are of opinion, that the allegations of the said Petition, are of such a nature, as requires the most serious investigation, and the calling for evidence which cannot be produced in time for the present Session.”

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Ordered — That the said report be referred to a Committee of the whole House, to-morrow.

A Message from the Legislative Council by *John Godfrey Spragge*, Esquire, Master in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment.

“ An Act to provide for the Freedom of Elections throughout this Province, and for other purposes therein mentioned.”

“ An Act to incorporate a Company, under the style and title of “ ‘The Quebec Gas Light and Water Company.’ ”

“ An Act to extend the time allowed by the Ordinance therein mentioned, for the registration of certain charges or incumbrances on Real Estate, and to repeal certain parts thereof.”

“ An Act to regulate the inspection of Pot and Pearl Ashes.”

“ An Act to extend the time for the payment of the Loan to the “ Cobourg Harbour Company.”

“ An Act to incorporate the charitable Association of the Roman Catholic Ladies of *Quebec*.”

And also —

Legislative Council,
Tuesday, 4th October, 1842.

Ordered — That the Master in Chancery, do go down to the Legislative Assembly and acquaint that House, that the Legislative Council agrees to the conference desired for the purpose of communicating the reasons, which induced the Assembly not to concur in a certain amendment made by this House to the Bill, intituled, “ An Act to amend “ two certain Ordinances therein mentioned relative to Winter Roads “ in that part of the Province formerly called *Lower Canada*,” and that the managers on the part of this House are to be the Honourable Messieurs *De Blaquierre* and *Amable Dionne*, who are to meet the number,

Report on
Petitions of
Ladies' Ursulines,
and Bonner and
Petrie.

Freedom of
Elections.
Quebec Gas-Light
Company.
Real Estate.

Pot and Pearl
Ashes.
Cobourg Loan.

Charitable
Association.

Winter Roads.

as managers on the part of the Legislative Assembly, required by Parliamentary usage, to-morrow, at four o'clock in the afternoon, in the Committee Room No. 1, of the Legislative Council.

Attest.

Charles de Léry,
Deputy Clerk Legislative Council.

And then he withdrew.

Resolved — That four managers be appointed to meet the managers appointed by the Legislative Council, at the time and place appointed, for the holding the conference, desired upon a certain amendment made by their Honours to the Bill, intituled, "An Act to amend two certain "Ordinances therein mentioned, relative to Winter Roads in that part "of the Province, formerly called *Lower Canada*."

Ordered — That Mr. Armstrong, Mr. Quesnel, the Honourable Mr. Neilson, and Mr. L. M. Viger, be appointed managers on the part of this House.

Salmon
Fisheries.

Mr. Hamilton, from the Special Committee to which was referred the Bill to regulate the Salmon Fisheries in the District of *Gaspé*, presented to the House the Report of the said Committee; which was again read at the Clerk's table, and is as followeth : —

"Your Committee having examined the several clauses of the Bill referred to them by your Honourable House, find that most of them are similar to the Act passed by the Legislature of *Lower Canada*, in the year one thousand eight hundred and thirty-six.

"A difference of opinion existing between the Members representing the District of *Gaspé*, as to the necessity of Legislative enactments regulating the Salmon Fisheries, your Committee have adopted a series of questions, annexed to this Report, and recommend that copies of these questions be forwarded, by the Clerk of the House, to such persons as are engaged in the Salmon Fisheries, and interested in them, for the information of your Honourable House."

- 1st. What is your name, profession, and place of residence ?
- 2nd. Have you ever been engaged in the Salmon Fisheries ?
- 3rd. Do you know how those Fisheries are carried on in the District of *Gaspé* ?
- 4th. Can you state who are the principal persons engaged in the Salmon Fisheries, in the Bay of *Chaleurs* and *Ristigouche* ?
- 5th. State whether the Fisheries in the Bay of *Chaleurs* and *Ristigouche* have decreased ?
- 6th. Can you assign a reason for such decrease ?
- 7th. Can you state what quantity of Salmon was formerly exported from the District of *Gaspé*, and what quantity is now exported ?
- 8th. Do you consider that regulations properly enforced, would contribute to the increase of the Salmon Fisheries in the District of *Gaspé* ?
- 9th. Will you state what regulations would be necessary ?
- 10th. Have you seen a Bill introduced into the House during the Session of 1842, intituled, "An Act to regulate the Salmon Fisheries in the District of *Gaspé*?"
- 11th. Will you state your opinion on the several clauses of the said Bill, and assign the reasons on which you found such opinion ?
- 12th. Should the clauses in the Bill not be sufficient, will you state what other clauses you consider necessary for the protection and preservation of the Salmon Fisheries ?
- 13th. What size of Net is used for killing Salmon in the Rivers in the District, and what size do you consider ought to be used ?
- 14th. It is common to catch Salmon when they are foul, that is in the spawning season ?
- 15th. Where do the Salmon, resorting to the Rivers of the District, spawn ?

16th. Are there any weirs or dams that impede or prevent the ascent of the Salmon ?

17th. Are there any Saw-Mills on the Rivers, and are you of opinion that the saw-dust or slabs have any effect in diminishing the quantity of fish ?

18th. Are the Merchants and Traders in the habit of purchasing foul fish, that is, fish killed during the spawning season, from the Indians, and what quantities are so purchased each season ?

Ordered — That the said Report be taken into consideration, to-morrow.

Boundary Line Commissioners.

Ordered — That Mr. Roblin have leave to bring in a Bill to authorise the Boards of Boundary Line Commissioners, within the several Districts of *Canada West*, to close up their proceedings now in progress.

He accordingly presented the said Bill to the House,

Mr. Roblin ... said the unsettled state of their transactions had given much dissatisfaction, and was the subject of much complaint.¹

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and the same was received and read for the first time, and ordered to be read a second time, to-morrow.

Seigniorial Tenure.

Ordered — That two hundred and fifty copies of the Preliminary Report made to His Excellency, the Governor-General, by the Commissioners of the Seigniorial Tenure Inquiry, and laid before the House on the third instant, be printed in each of the English and French languages, for the use of the Members of this House.

Petition of Wm. Ross, and others.

On motion of Sir Allan N. McNab, seconded by Mr. Dunlop,

Ordered — That the order of the day, for the House in Committee, on the Report of the Select Committee to which was referred the Petition of William Ross, and others, be discharged ; and that the said

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Report be committed to the Committee of the whole House on the second Report of the Special Committee on the contingent accounts and expenses of this House during the present Session, and other references.

Supply.

Mr. Taschereau moved, seconded by Mr. Kimber, That when this House doth adjourn, it will adjourn until to-morrow, at eleven o'clock a.m.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Captain Steele, from the Committee of the whole House on Supply, and on the Report of the Select Committee to which was referred the Message of His Excellency, the Governor-General, accompanying the Estimates for the year 1842, together with the documents connected therewith, and other references, reported, according to order, the Resolutions of the said Committee ; which Resolutions were again read at the Clerk's table, as followeth :

Resolved — As the opinion of this Committee, That in order to enable Her Majesty to meet the necessary and indispensable expenses of the Government of this Province for the year 1842, not otherwise provided for, there be granted to Her Majesty, out of the Consolidated Revenue Fund of this Province, not otherwise appropriated, a sum not exceeding seventy-five thousand pounds, Sterling, to be accounted for in detail at the opening of the ensuing Session of the Legislature.

Resolved — As the opinion of this Committee, That in order to enable Her Majesty to meet the necessary and indispensable expenses of the Government of this Province, from the 1st January to the 31st March, 1843, not otherwise provided for, there be granted to Her

Majesty, out of the Consolidated Revenue Fund of this Province, not otherwise appropriated, a sum not exceeding twenty-five thousand pounds, Sterling, to be accounted for in detail.

Resolved — As the opinion of this Committee, That a sum not exceeding five hundred pounds, Sterling, be granted to Her Majesty, to remunerate Dr. *Thomas Rolph*, for his past services as late Emigrant Agent, in the United Kingdom, on behalf of the Government of *Canada*.

Ordered — That the question of concurrence be now separately put upon the said Resolutions.

And the first and second of the said Resolutions being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

The third and last of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Berthelot, Black, Boswell, Boutillier, Boulton, Burnet, Cameron, Chesley, Christie, Delisle, Derbyshire, Dunlop, Dunn, Dunscomb, Forbes, Foster, Gilchrist, Hale, Harrison, Hincks, Jones, Kimber, Leslie, Sir Allan N. MacNab, D. McDonald, J. S. Macdonald, Moffatt, Morris, Noel, Papineau, Parent, Parke, Powell, Roblin, Harmannus Smith, Sherwood, Steele, Taché, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, Williams, and Yule. (45.)

NAYS.

Barthe, Child, Cook, DeWitt, Durand, and Hopkins. (6.)

So it was carried in the affirmative ; and,

Resolved — That this House doth occur with the Committee in the said Resolutions.

Supply Bill.

Ordered — That the Honourable Mr. *Hincks* have leave to bring in a Bill to grant certain sums to Her Majesty, for defraying certain indispensable expenses of the Civil Government during the period therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, to-morrow.

Ordered — That the Honourable Mr. *Hincks* have leave to bring in a Bill to appropriate a certain sum to enable Her Majesty to remunerate Doctor *Thomas Rolph*, for his past services as Emigration Agent.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, to-morrow.

An engrossed Bill from the Legislative Council, intituled, "An Act to afford relief to the Estate of the late *Thomas Clarke*," was, according to order, read a second time.

Ordered — That the said Bill be now read for the third time.

The said Bill was accordingly read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. *Cameron* do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to the same, without any amendment.

Loan Bill.

A Bill to authorise the raising, by way of Loan, in *England*, of the sum of one million five hundred thousand pounds, sterling, for the construction and completion of certain Public Works in *Canada*, was, according to order, read a second time.²

A very strong opposition was shewn by **Sir Allan MacNab** and other members ((including **Mr. Boulton**³)), to the bill being read a second time without going into committee of the whole upon it. The latter part of the first clause especially, was considered as giving undue power to the Executive in the disposal of the public money.⁴

Mr. Hincks moved that the house do forthwith go into committee on the bill.⁵

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Ordered — That the said Bill be now referred to a Committee of the whole House.

The House, accordingly, resolved itself into the said Committee.
Mr. *Child* took the chair of the Committee;

Mr. Hincks said the objections of the Honourable gentlemen were captious; the words which they quarrelled with, made no change in the powers of the government. A selection is necessary to be made, as to what public works are to be carried on. The amount required for public works is upwards of £1,600,000, and only £1,500,000 loaned.⁶

Mr. Moffatt would ask the Hon. gentleman, what was to be done with the premium of exchange on the £1,500,000, which at the low rate of 10 per cent, would amount to more than the sum stated.⁷

A good deal of discussion ensued on this question⁸.

Mr. Hincks thought fit to erase the obnoxious words, and substitute an amendment, that the money should be applied to the completion of the public works, according to law.⁹

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Child* reported that the Committee had gone through the Bill, and had made an amendment thereto; which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Rules Queen's Bench.

An engrossed Bill from the Legislative Council, intituled, "An Act to confirm certain Rules, Orders and Regulations, made by the Chief Justice and Judges of the Court of Queen's Bench for Canada West," was, according to order, read a second time.

Mr. *Cartwright* moved, seconded by Sir *Allan N. MacNab*, That the said Bill be read a third time to-morrow.

Mr. *Christie* moved, seconded by Mr. *Durand*, the previous question, viz.

Shall the question be now put?

The House divided thereon, and it passed in the negative.

Upper Canada Bank.

The order of the day, for the House in Committee on the Bill to extend the Charter of the Bank of Upper Canada, and to increase the Capital Stock thereof, being read,

The House accordingly resolved itself into the said Committee.

Captain *Steele* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Captain *Steele* reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Contingent Accounts.

The order of the day, for the House in Committee on the second report of the Special Committee, on the contingent accounts and ex-

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penses of this House during the present Session, and on the report of the Select Committee to which was referred the Petition of *William Ross*, and others, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Christie* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Christie* reported that the Committee had made some progress, and had directed him to move for leave to sit again, to-morrow.

Ordered — That the said Committee have leave to sit again, to-morrow.

Seat of Govern-
ment.

The order of the day, for the House in Committee on the Message of His Excellency, the Governor-General, of the twenty-fourth of September last, relating to the Seat of Government: and on the Despatch from Her Majesty's Secretary of State for the Colonial Department, accompanying the said Message, being read,

The House accordingly resolved itself into the said Committee.
Mr. Hopkins took the Chair of the Committee;¹⁰

Mr. Christie rose and said that as the committee were aware of what had taken place, he would not occupy much time. He read that portion of Lord Stanley's Despatch, referring to the *unequivocal expression of the Province*, and would move that the committee would unequivocally express its opinion. Hon. members from Lower Canada, cannot forget that the Union was a measure of which they did not approve, but since it has been effected, he would rather go to Toronto where there is good accommodation for business. The present situation is not fitted for the Seat of Government whether regarded in point of accommodation and convenience for members, or in point of locality. In case of war it was so exposed that an enemy from the United States could obtain possession of it in a few hours. Whatever place might be determined upon, whether at Toronto or Quebec, was not the question at present. It was admitted by most members that Kingston was not the proper place, and without wishing to interfere with the right of the Imperial Parliament, or the prerogative (sic) of the Crown, he would move the following resolutions:—

"That it is the undoubted prerogative of the Crown, and conformable to the positive enactments of the Statute of the Parliament of the United Kingdom, under which this House is constituted and assembled, that the place or places within any part of the Province of Canada for holding each and every session of the Legislative Council and Assembly, should be fixed under the authority of the Crown."

"That it is the opinion of this committee, that the building in which the Legislative Assembly is now held, and which was, indeed, many years ago, erected for a different purpose, does not afford sufficient accommodation to enable members to discharge their duty to their constituents with due enquiry and sufficient deliberation, and that the locality of Kingston is not central to the majority of the population, and is badly provided with accommodation for the residence of members, particularly during the winter, which is the season they can attend to their Legislative duties with the smallest sacrifice of the general interests."¹¹

Sir Allan MacNab said, the hon. member has moved that it is the prerogative of the crown to fix the place for holding the Session of Parliament, now nobody doubted that. He would be candid and tell them that he would rather have it at Toronto, but since he saw no chance of that, he would support Kingston and never would consent to its going farther down, and, such being his views, would move the following amendment. "That this house does not feel called upon to express any opinion upon the prerogative of the crown, but that it is the opinion of the house that the present building does not afford suitable accommodation, and that, during the recess, some measures may be adopted to remove this inconvenience."¹²

Mr. Harrison wished to make a few remarks upon the resolutions, and amendment proposed. The Despatch was definite upon one point, that no removal would be concurred in by the Imperial Government unless the most satisfactory reasons were given for such removal. He agreed with the hon. member for Hamilton in his amendment. He did not see any reason for adverting to the prerogative of the crown, by it the Seat of Government was fixed and he could see no use in expressing such an opinion. He concurred in the amendment which was strictly constitutional, and maintained that it is not within the province of this House to interfere with the prerogative of the crown. The house may however express its opinion, he could not agree with the resolution, and would vote for the amendment.¹³

Mr. Black contended that the house had a right to express its opinion upon the prerogative of the crown. It was the first time that he had heard of a British House of Commons being denied such a right. In the present question we ought to be guided by the constitution given to this province, and in it the right held by the crown is asserted, to be exercised through the Governor General, and the Legislature. He did not see how the right could be questioned, and was astonished to hear the hon. Secretary say that he would vote against the resolution on the principle that it was improper to express an opinion upon the right of

the crown. Most of the members last session were of opinion that Kingston is not the proper place for holding the Session of Parliament. It possessed no advantages, no convenience for carrying on the business of the country — and could not be prepared unless a vast sum were expended upon it. The general feeling of the house last session was the same as he had now expressed. He grieved to see his gallant friend the member for Hamilton expressing his opinion in favour of Kingston, for the Journals of the House would show that he had expressed a different opinion last year and had voted for Quebec and Toronto. He would support the resolution proposed by the hon. member for Gaspe, which does not propose to interfere with the right of the crown, but merely expresses an opinion that Kingston does not afford the necessary accommodation, and it is not properly located for the Seat of Government.¹⁴

Sir Allan MacNab had been charged with inconsistency, but he was not more so than the hon. member who had last year voted the same way. The hon. gentleman would leave it with the Government, but he would not. He was opposed to its going to Lower Canada, and would vote for its remaining where it is.¹⁵

Mr. Neilson thought the hon. member for Gaspe had taken a proper view of the question. It certainly was the prerogative of the crown to fix the place for holding the Government, and the resolution is merely a declaration upon our part that we do not wish to interfere with the prerogative of the crown. We admit its power, complain of inconvenience, and submit that complaint to the crown. He would therefore support the resolution.¹⁶

Mr. Durand supposed it was intended to take the sense of the house where the Government should be held, he being a member from Upper Canada, would be in favour of Toronto, but if he could not get it there he would rather it should go to Quebec, than remain at Kingston.¹⁷

Mr. Williams thought the motion before the house was a requisite preliminary, and concluded that it would be uncourteous to proceed without it.¹⁸

Mr. Moffatt had heard of limiting the prerogatives of the crown, but was not aware that it was necessary to give reasons for declaring what it is. He did not take the same view of it as the hon. member for Quebec. He could see no reason for the first resolution, and would vote for the amendment. When the question as to where the Seat of Government should be is put he had an opinion, but it is not necessary to express it.¹⁹

Mr. Boswell had no disposition to interfere with the right of the crown, but he contended that in such a case as the present where a statute was passed specifying the mode in which it was to be exercised that it ceased to be a prerogative. The house had a right to express its opinion where the Government of the Country should be fixed, and could not therefore vote for the resolution, and would support the amendment.²⁰

Mr. Roblin would make a few remarks upon this resolution. It commences by stating that it is the prerogative of the crown to fix the place for the Seat of Government. Now we all admit this, and he would ask what was the use of passing a resolution to admit what none deny. This committee is told that no evil could grow out of it, but let it be shown that some good will. The hon. gentlemen go on in the most polite and plausible manner possible, acknowledging, and praising the prerogative of the crown, but after all this fine talk what is the fact? Her Majesty's Government tell us they have well considered the matter, and have placed the Seat of Government here after mature deliberation, — "Oh yes, say those gentlemen, we acknowledge it, we admit you have considered the matter, and grant your right, but we are sorry we have to tell your Majesty, that you are mistaken, that Kingston is not the proper location — that it does not afford such gentlemen as we are, sufficient accommodation, and therefore that in coming to such a conclusion you have come to a false conclusion." He would not act in such a way, he would not tell Her Majesty that he would not interfere with Her prerogative the very time that he was doing it, and setting Her opinion at naught.²¹

Some further remarks ((were made)) by different members upon the prerogative of the crown²².

The amendment was put to the house and lost²³.

The original resolution ((was)) carried.²⁴

Dr. Christie then moved the second resolution as given above.²⁵

Mr. Cartwright said there was one objection to the motion of the hon. member for Gaspe, and that was, that the statements were not true, (hear, hear.) The building, he would admit, was not convenient, but that Kingston was not central he must deny, and also that it did not possess sufficient accommodation — As to the centrality, it must be found on reference to the map that Kingston was about equi-distant from Quebec and Amherstburgh, consequently there could be little dispute on that point; with reference to the building he had been informed by the hon. President of the Board of Works himself, that the building in which they were now assembled could be altered suitable to the purposes of legislation for a much less sum than it would require to remove the public records, and offices; — and hon. gentlemen, when speaking of accommodation should recollect the extraordinary circumstances in which the seat of government had been fixed here — without any intimation whatever of the intended change, the population of the town had suddenly increased 50 per cent, and it was impossible that all this could be at once provided for, and that there should exist no temporary inconvenience; but he would say that no town of the size of Kingston could have provided for the population cast upon it in the short space of eighteen months, in the manner that had been done here. But he hoped, that hon. gentlemen would treat the question fairly, they had not been sent to the house to legislate for their personal benefit, but for the general interests, and in reference to general interests, should the question alone be viewed. He would allude to objections more serious than those urged in the resolution before the House. It had been said that Kingston was too near the frontier, and incapable of defence — it was deemed by some hon. gentlemen safer to go to Toronto, but it was his opinion that if they decided against Kingston, and although a majority might be found to vote against Kingston, still they could not find a majority in that House to decide upon any other given place, and he thought if hon. gentlemen were determined to vote against Kingston, they should decide upon some other situation. In the midst of these conflicting interests the Home Government says to you, we have selected Kingston only after mature deliberation, and consider that city the best for the Seat of Government, it is our intention to erect extensive fortifications, for which purpose we have already purchased a large amount of property; it is our intention to make Kingston in Western Canada, what Quebec is in Eastern Canada, — it is the most desirable at present in Western Canada as being nearest to Eastern Canada members, and therefore if you dissent from our choice, it is necessary that you show the reason why — establish the clearest necessity for a removal, and point out a place more suited to legislative purposes, and in favour of which the general sense of the province may be unequivocally expressed. On that he was satisfied they would not agree. But there was something else, which he thought it right to consider. Before the Union, in the Legislature of Upper Canada, the motion which he had the honor to put that it might be a condition of their assent to the Union that the Seat of Government should remain in Upper Canada, was almost unanimously adopted. That was withdrawn afterwards on a stipulation, but though not insisted on as a condition, it was strongly urged in an address to Her Majesty on the subject. He had been opposed to the Union; he plainly foresaw that dissatisfaction must eventually be created among the people of Upper Canada, and he would assure hon. gentlemen that if they persisted in the course which he imagined them to be pursuing to transfer the Seat of Government to Lower Canada, the question of the repeal of the Union would be seriously agitated, and he questioned much if it would not effect a repeal within three years —²⁶

Several French Canadian members — SO MUCH THE BETTER!²⁷

((**Mr. Cartwright** continued :)) Well, if hon. gentlemen wanted it so, let them not repeal it by a side wind — let them put a resolution on the table, and come to a direct vote upon the question at once, and if it is so avowed, really the intention of hon. gentlemen from Lower Canada to repeal that Union, but don't do it in this way — do not hesitate to say that this is a question of repeal of the union, that the house might understand precisely the position in which they stood. He hoped those hon. gentlemen who were opposed to Kingston, would fix upon some other place, and assign their reason for so doing, and let their reasons be in accordance with the requirements of the despatch, pertinent to the matter at issue, then the sense of the House might be tested fairly upon the question.²⁸

Mr. Durand complained that Kingston was supplied with American Beef, and that all the public money went into the hands of Americans for the necessaries of life. Had the Seat of Government been placed either at Cobourg or Toronto, the back country of those places would be able to supply half a dozen such governments. As to the expense of buildings, that would be the same in Montreal as here; and as there were already suitable buildings at Toronto, he would vote in favor of Toronto, and against Kingston.²⁹

Mr. Cook complimented Mr. Durand upon the loyalty which induced him to have such an abhorrence for republican beef, but he would tell the hon. gentleman that he would eat as much American beef at Toronto as he would at Kingston (hear), and it would be so as long as the American was allowed to come in and forestall the Canadian farmer in his own market. Place on a duty, and he would venture to say they would soon be supplied with Canadian beef. With respect to the locality of the seat of government, when the question of maintaining the seat of government in Upper Canada was before the legislature of that province, he had voted against it on the sole ground that such a resolution was an interference with the prerogative of the crown, and he would give the same vote now against the resolution submitted to the house.³⁰

Mr. Harrison said that the expenses attending the fixing of the seat of government here could be no objection, because for a very trifling sum they could be provided with every convenience. There were plans and estimates now in existence for remedying the evil, and the cost would amount to only £3000, certainly a small sum considering the extent of the interests involved. It was proposed to add two wings to the present building, containing the legislative halls; to convert the present place of meeting into an ante-room, and the remainder of the present building into the departments of the house; a sufficient number of committee rooms to be provided in the wings to be added. The plan was exceedingly simple — the expense small — and the most ample accommodation would thus be acquired, in fact on that score there could not be the least objection. But there had been a great deal said against Kingston, and hon. gentlemen seemed to forget that a large number of strangers were ushered into the town without the least note of warning, and that consequently the inhabitants were unable to provide reliably for the accommodation of so large a number under such extraordinary circumstances. It was no matter of surprise, therefore, that there should be some and very great inconvenience felt — but he was sure the candor of hon. gentlemen would lead them to admit that on their return to assume a second time their legislative duties here, there was not the inconvenience felt of which they had before to complain. But it was desirable, in a matter of so much importance, hon. gentlemen would divest themselves as much as possible of individual interest, he would admit that he had interests here, and all had more or less local interests to serve, but it was desirable they should throw off all ideas of personal convenience which tend to bias their minds, and come fairly to the general question at issue — view it on the broad basis of affecting the interest and convenience of the whole Province, and not of any particular section. It had been said that Kingston was too near the frontier: that was being remedied by the erection of extensive fortifications; there could therefore be no necessity for removal on that ground. He conceived the only way to bring the question to an issue was to name some fit and proper place in the estimation of members, and come to an issue on one point. Last year, there were two places arrayed against Kingston, now there are three or four, and all those interested in favor of either one of these rival places was as a matter of course against Kingston; and therefore with respect to Kingston, it was impossible to arrive at any satisfactory conclusion. Quebec would undoubtedly be the proper place for the seat of government in the event of a Federal union of the whole Provinces — a union which might take place at no distant day — but while the present union existed Quebec was out of the question. The next place which possessed public buildings was Toronto, but it must be borne in mind that these building are not well calculated for the purpose, as they are not permanent in their construction as they ought to be, and that it would cost a large sum to render them so. There was no public building here but the one in which they were assembled; it had been built for a different purpose, certainly, but as he said before, a trifling outlay upon it would extend every requisite accommodation to the Legislature; and there was also land belonging to the government here, well situated, and extensive enough to contain all the public buildings which might be required, so that in that respect, Kingston was equally, if not better, provided than any other place save Quebec. Some hon. gentlemen had stated that Kingston market was almost altogether supplied from the American side; this he distinctly denied; the produce of the Bay of Quinte, one of the richest districts in the Province found its market here, and he would further say that some of the most fertile soil in the Province lay within a few miles of Kingston — much of it yet remained to be opened, but that would be remedied by the introduction of Emigrants and the advantage which the market afforded. A mistaken idea had gone abroad on this subject. The increase of population in this country would be westward, and it was certainly desirable that the seat of government should be as far westward as possible, as emigrants were those who had the most business to transact with the government, this was effected with the least inconvenience at Kingston on the one hand to the Lower Canadians and on the other to those he had mentioned. Another view was that the produce

of the country is westward, and passes from thence eastward to Montreal, the great commercial emporium; nearly the whole agricultural produce went down, and as the settlement of the country proceeded westward, the seat of government should be as far westward as would be convenient to the general interests. The resolution expresses that Kingston is not a fit place; if so, some other place should be decided upon; let us know distinctly what that is, that the House may decide directly upon the question at issue. He made these remarks as bearing on the subject, and would probably have occasion again to address the committee.³¹

Captain Steele last year spoke in favour of Toronto and Quebec, but from what he saw now, he considered that Kingston was the proper place. He knew that every one was in favour of his own place, but as a general situation, Kingston was the place to be chosen.³²

Dr. Dunlop said it was stated as an objection to Kingston that it was not central — that was a matter of measurement. He had taken the map and measured it — taking Amherstburgh as the extreme west, and Quebec, east, and the centre was about thirty miles below Kingston. He did not certainly go so far as to include his unfortunate friends living among the Esquimaux, at Gaspe. Another opinion was that it does not afford sufficient accommodation, but he had no doubt that would be soon remedied. Such objections as that put forward by his hon. friend from Halton were not tenable. He would find sufficient to feed him here, unless he was ill to satisfy, and all sorts of luxuries.³³

Mr. Cameron said the subject had created a great deal of personal feeling in the conflict of local interests, but he, for one, could enter upon the subject without it, as he had no property either in Quebec, Toronto or Kingston. The question should be looked upon geographically, and not with respect to the present population alone. The reasons which had been given were not such as should have weight in this house — that the accommodation was not sufficient — had not good beds, good champaigne, &c. The circumstances under which the Government was brought here were sufficient to explain that. But if the Seat of Government is to be removed from Kingston, where is it to be fixed? If Kingston does not possess the required advantages, what other place does? As regards strength, the citadel of Quebec was undoubtedly the strongest on this continent and would afford ample security; the Government holds property there, and there are already suitable buildings for the public service. But there was an insuperable objection to Quebec — it is placed almost at the extreme east of the Province, and therefore it would be unjust to send western members so distant; added to what was the extreme length of the winters. If you select Montreal, it is a place which possess many advantages in the beauty of its natural scenery, and is a great commercial city; and if hon. members complain of the dulness (sic) of life in Kingston, and of the illiberality of its inhabitants, certainly no such complaint could be urged against Montreal; but that would be attended with an enormous outlay. Where is there in that city any public property — where its defences? Was the British Government to be called upon to erect new fortifications after the expense which has been incurred here? Again, it is not always the policy of a country to have its capital in a commercial city; that principle had been acted upon in the United States, and instead of selecting the great commercial metropolis as the capital of the United States, a small and quiet town was selected. Placing the seat of government in large commercial cities, it was found induced a mode of living, &c. detrimental to the public interests. This argument, by the way, would apply to Bytown, which his hon. friend from Carlton at all times advocated as the seat of government. Looking at Kingston geographically, it was the same distance from Lake Huron as from Quebec — he would leave out Gaspe — and in a very few years it would be the centre of the population of the country. Then Kingston was next to Quebec in the strength of its fortifications; besides, it possessed immediately under the guns of Fort Henry, a naval depot, in which during the last war an armament was fitted out that effectually prevented any American fleet from attempting to show their noses here: in the early part of the war every morning he had seen a fleet of American vessels hovering off the port, not venturing an attack upon the place itself, then destitute of almost all artificial fortifications; but from the time that the St. Lawrence, a ship of 120 guns, was launched in Navy Bay, no enemy appeared in sight, no enemy could enter the harbour. Point Henry alone rendered Kingston as secure as Montreal could by any possibility be made; there and here is the entrance to the Rideau Canal, the grand military connecting link between the lakes and the ocean, also immediately under the guns of Fort Henry. He hoped they would throw aside minor objections, and taking the weighty considerations in its favor, come to a decision accordingly. Allusion had been made to the back country of Kingston, and he could assure hon. gentlemen from personal observation, that there was as rich land in its back townships as any which could be selected above Toronto. The Bay of Quinte, unquestionably the richest district in the province, properly

termed the garden of Canada, emptied its agricultural produce into the market here and there were, therefore, none of those disadvantages which had been stated by hon. members.³⁴

Mr. Christie said, honourable members ought to recollect, that below Quebec there were seven counties cintaining (sic) 100,000 inhabitants.³⁵

Mr. Boswell thought it an important subject; the subject was interesting to all the population of United Canada, and let local feelings be what they may, it must come to be a question between Kingston and Montreal. He was not of opinion that either Toronto or Quebec would be fixed upon. If he consulted his own feelings he would vote for Quebec, but when he consulted the general interests of the Province he thought that neither it nor Toronto would suit. Although the Despatch from the Home Government mentions that they have maturely considered the question, and placed the Government at Kingston, here we are debating to express the sense of the House against the place fixed upon. If the general interests of the country demanded that it should be here it is nonsense to talk of Toronto or Quebec. The arguments urged seem very weak indeed. Some hon. members had said that Kingston was not central. He contended that in reference to the great mass of the population that it was central. It had been said also that there was not sufficient accommodation; that could be easily remedied; and he thought before the sense of the House was expressed, against Kingston, that those members who were in favor of Quebec ought to bring forward a resolution to that effect.³⁶

Mr. Merritt would not allow such an important question to be determined upon without expressing his opinion upon it. He would appeal to the members from Lower Canada — to their sense of justice, whether it was not for the interest of United Canada that the Seat of Government should be placed as far into the interior as possible. They possessed great advantages over those in the back settlements. Their settlements were on a narrow strip of land, and open to navigation. Now it would be only justice towards those in the interior of the country to grant them some advantages; you possess the natural, give us the temporary advantages. He maintained that the farther West they placed the Seat of Government, they were the better consulting the interests of the Province. Hon. members were not to look at what the population now is, but to consider what it will be 20 years hence. He was in favor of Toronto, but if the question is between Kingston and Montreal, he would vote for Kingston.³⁷

Mr. Boulton rose amidst cries of "question, question." He commenced with what fell from his hon. friend from Lincoln, (laughter,) hon. gentlemen may laugh, because they supposed him interested in the matter, but he hoped he could show other reasons than mere feeling or inclination, urging him to that opinion. The objections to Kingston, were, first, that there were no suitable buildings here. At Toronto there are buildings — buildings which, with very little expense, could be rendered perfectly fit for all Legislative purposes. There, there is a good Legislative hall, good accommodations, good government offices, &c. &c. When he looked at the geography of the country, and at the immense country to the West, capable of maintaining such a large population, and then looked to the East which was a mere strip of land, — and when he considered that of the 42 members from Lower Canada, all, unless 3 or 4, lived on the banks of the St. Lawrence, which affords such good facility for travelling, now that steam navigation is in such successful operation, — and that they can thus more easily and quickly come to the Upper Province than those from the West can wend their way down here; he contended that Toronto was the situation that ought to satisfy all parties. The hon. gentleman ... concluded by saying that as some honorable members had said that they would rather have it at Toronto than Kingston, he would test their sincerity by moving that it is the opinion of this House, that Toronto is preferable to Kingston for the Seat of Government.³⁸

Dr. Cook rose to refute the statements made by the hon. gentleman who had just sat down. He said it was a notorious fact that the Government buildings at Toronto required large annual grants to keep them in tenable repair, and that the sums required to keep them in order would in a very few years be sufficient to build new ones.³⁹

Mr. Neilson said it was a question of much importance to the Province, but is a question for the Imperial Government to settle.⁴⁰ They would always keep a superintending eye over the affairs of the Province. —⁴¹ If he understood the hon. member from Gaspe, (Mr. Christie,) he meant the place to be fixed by the Imperial Government. Some hon. members had said the inconvenience of the present building was of little importance. He was of a very different opinion. Our object in coming here is to enact laws for the general interests of the Pro-

vince, and without suitable accommodations that could not be done. Another consideration was, the position. It ought to be central; but this is not the centre of the Province, viewed in reference to the existing population, and it is the convenience and the interests of those that the Government is bound to consult. *We are to legislate for those at present existing, not for those who are to come after us.* Let the place be made as convenient as possible for the existing population, and he did not care whether it was at Toronto. Kingston, Quebec or Montreal.⁴²

Sir Allan MacNab introduced an amendment which merely expressed an opinion of the state of the public buildings, and a hope that reform will take place.⁴³ ((He)) hoped the amendment would now be put.⁴⁴

((The amendment was)) Lost.⁴⁵

Mr. Johnston would propose another amendment, he wished to act as a peace-maker on the occasion, and in so doing, he was sure he would be carrying out the views of those who carried the union. Bytown was the proper place to have the seat of Government, and there it should and ought to be. He had no serious complaints against Kingston, for he had experienced the hospitality of Kingston in many ways. Mr. Boulton no doubt approves of Toronto, but, of course, every man thinks his own goose a swan. He proposed Bytown as the seat of government, being in every respect calculated for it.⁴⁶

The amendments ((were)) lost.⁴⁷

The original motion was then put ... Yeas 40, Nays 24.⁴⁸

Sir Allan MacNab said that from seeing the honourable gentleman at the head of the government standing alone and all his colleagues voting against him, he considered that there was something at the bottom. They managed well enough to let him vote on this question. They could not expect the member for Kingston to vote against it, as the seat of government. They will no doubt excuse him on this occasion, but when he saw such conduct on the Treasury Benches it was pretty plain that the seat of government was shortly to be placed under marching orders.⁴⁹

The committee rose to report⁵⁰.

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hopkins reported that the Committee had come to several Resolutions; which Resolutions were again read at the Clerk's table, and are as followeth :

Resolved — That it is the opinion of the Committee, that it is the undoubted prerogative of the Crown, and conformable to the positive enactment of the Statute of the Imperial Parliament of the United Kingdom, under which this House is constituted and assembled, that "The place or places, within any part of the Province of Canada, for holding each and every Session of the Legislative Council and Assembly," should be fixed under the authority of the Crown.

Resolved — That it is the opinion of this Committee, that the building in which the Legislative Assembly is now held, and which was erected several years ago, for a different purpose, does not afford sufficient accommodation to enable the Members to discharge their duty to their Constituents with due enquiry, and sufficient deliberation, and that the locality of *Kingston* is not central to the majority of the population, and is badly provided with accommodation for the residence of the Members, particularly during Winter, which is the Season in which they can attend to their Legislative duties, with the smallest sacrifice to their general interests.

Ordered — That the question of concurrence be now separately put upon the said Resolutions.

And the first of the said Resolutions being again read, and the question of concurrence being put thereon, a division ensued, and it was carried in the affirmative.

The second of the said Resolutions being again read,

Mr. *Boulton* moved, in amendment to the said Resolution, seconded by the Honourable Mr. *Dunn*, that all the words after "Resolved," in the same be struck out, and the following substituted : "That it is "the opinion of this House that *Toronto* is preferable to *Kingston* as a place at which to convene the Legislature of this Province."

Mr. Christie moved that the previous resolution be put.⁵¹

This motion was overruled.⁵²

Mr. Neilson considered the present motion as an interference with the prerogative of the crown.⁵³

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The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth.

YEAS.

Boulton, Dunn, Durand, Hincks, Hopkins, Sir Allan N. McNab, Merritt, Moffatt, Powell, Simpson, Harmannus Smith, and Thompson. (12.)

NAYS.

Seat of Govern-
ment.

Armstrong, Barthe, Berthelot, Black, Boswell, Boutilier, Burnet, Cameron, Cartwright, Chesley, Child, Christie, Cook, Daly, Delisle, Derbyshire, DeWitt, Dunscomb, Forbes, Foster, Gilchrist, Hale, Hamilton, Harrison, Holmes, Johnston, Jones, Kimber, Leslie, McCulloch, D. McDonald, J. S. Macdonald, McLean, Morris, Neilson, Noel, Papineau, Parent, Parke, Quesnel, Roblin, Henry Smith, Sherwood, Steele, Taché, Taschereau, Turcotte, Turgeon, L. M. Viger, Williams, and Woods. (51.)

So it passed in the negative.

Mr. *Cameron* then moved, in amendment to the said second Resolution, seconded by Mr. *Roblin*, That all the words after "Resolved" in the same, be struck out, and the following substituted : "That as *Kingston* does not afford the necessary accommodation and the requisite facilities for the Seat of Government, this House is respectfully of "opinion that the Seat of Government should be removed to *Quebec*."

The question having been put on the motion, of amendment, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Cameron, Johnston, and Roblin. (3.)

NAYS.

Armstrong, Barthe, Berthelot, Black, Boswell, Boulton, Boutilier, Burnet, Cartwright, Chesley, Child, Christie, Cook, Daly, Delisle, Derbyshire, DeWitt, Dunn, Dunscomb, Durand, Forbes, Foster, Gilchrist, Hale, Hamilton, Harrison, Hincks, Holmes, Hopkins, Jones, Kimber, Leslie, Sir Allan MacNab, McCulloch, D. McDonald, J. S. Macdonald, McLean, Merritt, Moffatt, Moore, Morris, Neilson, Noel, Papineau, Parent, Parke, Powell, Quesnel, Simpson, Henry Smith, Harmannus Smith, Sherwood, Steele, Taché, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, L. M. Viger, Williams, and Woods. (62.)

So it passed in the negative.

Mr. Black expressed the opinion of most of the Members, when he stated that the reason for not adopting those Resolutions, was, that they were unconstitutional, and the Members were averse to dictating to the Government. They merely wished to express their opinions as to the impropriety of *Kingston* being settled on as the permanent Seat of Government.⁵⁴

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Mr. *Cameron* then moved, in amendment to the said second Resolution, seconded by Mr. *Roblin*, That all the words after "Resolved" in

the same, be struck out, and the following substituted : "That this House is of opinion that the Seat of Government should be removed to Montreal."

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as in the last preceding division.

So it passed in the negative.

Mr. Johnston then moved, in amendment to the said second Resolution, seconded by Mr. Derbshire, That all the words after "Resolved," in the same, be struck out, and the following substituted : "That it is the opinion of this House that Bytown is preferable to Quebec, as regards the seat of Government."

He ((Mr. Johnston)) advocated the claims of Bytown strongly, saying that it was a good military position — in the heart of a fertile country — easy of access — plenty of land owned by the Government — and he felt confident ((that it)) would meet the views of those who supported the Union.⁵⁵

Mr. Derbshire supported the proposition of his hon. friend the member for Carleton, and thanked him for having anticipated his intentions in making it. A wise choice would place the Capital in the heart of the country. A certain sense of security and repose, a perfect freedom from intrusion, and from the alarm even of molestation from without, were essential to the due performance of the functions of Government. A frontier capital like Kingston was an invitation to the enemy, and with an enterprising foe might easily become the victim of a *coup de main*. We were now happily at peace, and the best guarantee for its continuance would be to show the world we were prepared for a contrary state of things. He could not agree with the hon. member for Quebec (Mr. Neilson), that the House in determining this question were to look only to the wants and convenience of the present race of Legislators. The Canadian Legislature were called upon to lay the foundations of a future empire. It was for posterity they were to Legislate, not for the convenience of the moment. No people who had long maintained their nationality or held permanent dominion, had placed their Seat of Government on the frontier line, and if that House properly discharged its important duties to the country upon this occasion, it would not limit its views to one generation of the Canadian people, or two, but look to the interests of a long, and he believed, a great posterity. Bytown, from its central position and military capabilities, which struck every mind, seemed marked out by nature for the Seat of the Canadian Government. It must gather about it a large population. Its remoteness from frontier invasion, the security of its position, the vast country about it, and its means of rapid communication with other important points of the country, would make Bytown ultimately the real Capital of Canada ; and it would be acting in the spirit of a wise Legislation to take that step in advance which the course of years would make inevitable, and at once lay the foundation of a great and flourishing city, worthy of a great country. The question once settled, the needful accommodation would not be slow in coming. If, however, the House should allow itself to be carried away by mere narrow considerations of present convenience, and should reject Bytown because it would be thought to want immediate accommodations for the Executive Government and the Legislature, he should give his vote for Kingston, as the nearest point to that place, upon which the Government he was convinced would ultimately have to fall back.⁵⁶

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The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Cameron, Derbshire, Forbes, Johnston, D. McDonald, and J. S. J. S. Macdonald. (6.)

NAYS.

Armstrong, Barthe, Berthelot, Black, Boswell, Boulton, Boutillier, Burnet, Cartwright, Chesley, Child, Christie, Cook, Daly, Delisle, DeWitt, Dunn, Dunscomb, Durand, Gilchrist, Hale, Harrison, Hincks Holmes, Hopkins, Jones, Kimber, Leslie, Sir Allan N. MacNab, McCulloch, McLean, Merritt, Moffat, Moore, Morris, Neilson, Noel, Papineau, Parent, Parke, Powell, Quesnel Roblin, Simpson, Henry

Smith, Harmannus Smith, Sherwood, Steele, Taché, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, L. M. Viger, Williams, and Woods. (57.)

So it passed in the negative.

Sir Allan N. MacNab then moved, in amendment to the said second the House do now adjourn.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Sir Allan N. MacNab then moved, in amendment to the said second Resolution, seconded by Mr. Cartwright, That all the words after

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Seat of Government.

"Resolved," in the same, be struck out, and the following substituted: "That it is the opinion of the House, that the building in which the Sessions of the Legislative Council and Assembly are now held, does not afford sufficient accommodation to enable the Members of the said Council and Assembly to discharge their duty to their constituents, and the Province at large, with due enquiry and deliberation; and this House, therefore, recommend, that measures should be adopted, during the recess of the Legislature, to remove this inconvenience."

The question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:

YEAS.

Boswell, Cameron, Cartwright, Cook, Derbyshire, Gilchrist, Harrison, Hopkins, Johnston, Sir Allan N. MacNab, Merritt, Moffatt, Morris, Parke, Powell, Roblin, Henry Smith, Harmannus Smith, Sherwood, Steele, and Woods. (21.)

NAYS.

Armstrong, Barthe, Berthelot, Black, Boulton, Boutillier, Child, Christie, Daly, Delisle, DeWitt, Dunn, Dunscomb, Durand, Forbes, Foster, Hale, Hincks, Holmes, Jones, Kimber, Leslie, McCulloch, D. McDonald, McLean, Moore, Neilson, Noel, Papineau, Parent, Quesnel, Simpson, Taché, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, L. M. Viger, and Williams. (40.)

So it passed in the negative.

The question being then put on the said second Resolution, a division ensued, and the names being called for, they were taken down, as followeth:

YEAS.

Armstrong, Barthe, Berthelot, Black, Boutillier, Child, Christie, Daly, Delisle, DeWitt, Dunn, Dunscomb, Durand, Forbes, Foster, Hale, Hincks, Holmes, Jones, Kimber, Leslie, McCulloch, D. McDonald, McLean, Moffatt, Moore, Neilson, Noel, Papineau, Parent, Quesnel, Simpson, Taché, Taschereau, Thompson, Turcotte, Turgeon, D. B. Viger, L. M. Viger, and Williams. (40.)

NAYS.

Boulton, Cameron, Cartwright, Cook, Derbyshire, Gilchrist, Harrison, Hopkins, Johnston, Sir Allan N. MacNab, Merritt, Morris, Parke, Powell, Roblin, Henry Smith, Harmannus Smith, Sherwood, Steele, and Woods. (20.)

So it was carried in the affirmative; and,

Resolved — That this House doth concur with the Committee in the said Resolutions.

Ordered — That the said Resolutions be communicated to His Excellency, the Governor-General, by such Members of this House as are the Honourable the Executive Council of this Province.

The names of the Members present, were taken down as followeth:

Mr. Speaker,

Messieurs, *Barthe, Berthelot, Boswell, Boulton, Delisle, DeWitt, Hale, Hincks, Hopkins, Neilson, Parent, Parke, Roblin, Simpson, Harmannus Smith, Steele, and D. B. Viger.*

And at half-past eleven o'clock, at night, Mr. Speaker adjourned the House for want of a *Quorum*.

Appendix, 5 October 1842.

((House Subscription to Audubon's NATURAL HISTORY.))

Mr. Viger proposed that the House take into consideration the propriety of subscribing to Audubon's Natural History.⁵⁷

The Speaker was authorized by the House to subscribe to the work, in the name of the House.⁵⁸

Footnotes — 5 October 1842.

1. BRITISH COLONIST, 12 October 1842.
2. This debate was reported by : BRITISH COLONIST, 12 October 1842 ; EXAMINER, 12 October 1842 ; and MONTREAL GAZETTE, 8 October 1842.
3. As noted by the MONTREAL GAZETTE, 8 October 1842.
4. BRITISH COLONIST, 12 October 1842.
5. IBID.
6. MONTREAL GAZETTE, 8 October 1842.
7. IBID.
8. IBID.
9. IBID.
10. This debate was reported by : LE CANADIEN, 10, 14 October 1842 ; KINGSTON CHRONICLE, 8 October 1842 ; MONTREAL GAZETTE, 8, 14 October 1842 ; BRITISH COLONIST, 12 October 1842 ; and EXAMINER, 12 October 1842. Many parts of the reports in the EXAMINER and the CHRONICLE are identical, though each has certain speeches not contained in the other, and the CHRONICLE is far longer and more fully reported. On the question of the Seat of Government, which was of vital interest to the M.P.s, the following procedure was adopted. The members thrashed out their Resolutions and amendments in Committee of the Whole House. Then when the Committee Report on the Resolutions was submitted to the members as individual M.P.s, they maintained the positions they had taken in Committee. Though few members bothered to repeat the speeches they had made in Committee, the divisions on each Resolution and amendment in and out of Committee were almost identical.
11. KINGSTON CHRONICLE, 8 October 1842.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. BRITISH COLONIST, 12 October 1842.
33. KINGSTON CHRONICLE, 8 October 1842.
34. IBID.
35. BRITISH COLONIST, 12 October 1842.
36. KINGSTON CHRONICLE, 8 October 1842.
37. IBID.
38. IBID., which described Boulton's speech as a "Long" one.
39. IBID.
40. IBID.
41. BRITISH COLONIST, 12 October 1842.
42. KINGSTON CHRONICLE, 8 October 1842.
43. MONTREAL GAZETTE, 8 October 1842.

44. BRITISH COLONIST, 12 October 1842.
45. IBID.
46. KINGSTON CHRONICLE, 8 October 1842.
47. BRITISH COLONIST, 12 October 1842.
48. IBID., which noted: "Mr. Garrison only of the ministers voted against the motion."
49. BRITISH COLONIST, 12 October 1842.
50. IBID. It appears that there was a division on the Committee's rising: Yeas 36, Nays 27.
51. BRITISH COLONIST, 12 October 1842.
52. IBID.
53. IBID.
54. MONTREAL GAZETTE, 8 October 1842.
55. KINGSTON CHRONICLE, 8 October 1842.
56. IBID.
57. MONTREAL GAZETTE, 8 October 1842.
58. IBID.

Thursday, 6 October 1842.

2 Petitions
brought up.

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The following Petitions were severally brought up, and laid on the table :—

By Captain Steele, the Petition of Jonathan Sissons, and others, of the township of Vespra, county of Simcoe.

By Mr. Roblin, the Petition of William Portt and George Portt, of Tyendenaga, District of Victoria.

A Message from the Legislative Council by John Godfrey Spragge, Esquire, Master in Chancery : Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment :

"An Act to repeal certain Ordinances therein mentioned, relative to "the establishment of a System of Police, in Canada East."

"An Act to make provision for the management of the Temporalities "of the United Church of England and Ireland, in the Diocese of "Quebec, in this Province, and for other purposes therein mentioned."

"An Act to grant further powers to the Montreal Fire Assurance "Company, and to change the name of the said Corporation."

And then he withdrew.

An engrossed Bill to authorise the raising, by way of Loan, in England, of the sum of one million five hundred thousand pounds, sterling, for the construction and completion of certain Public Works in Canada, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. Hincks do carry the said Bill to the Legislative Council, and desire their concurrence.

An engrossed Bill to extend the Charter of the Bank of Upper Canada, and to increase the Capital Stock thereof, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That Mr. Boswell do carry the said Bill to the Legislative Council, and desire their concurrence.

Pursuant to the order of the day, the following Petition was read :

Of the Reverend Andrew Balfour, and others, Members of the Church of England, praying for the passing of an Act to regulate the Temporalities of the said Church, in the Diocese of Quebec.

On motion of the Honourable Mr. Neilson, seconded by Mr. Leslie,

Resolved — That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, at the opening of the ensuing Session, a statement of the number of Students or Scholars attending each and every Institution of Education in this Province, to which any grant out of the public money is made, with the classes to which they belong, the usual residence of the Students and Scholars, rates of tuition, and the branches of Education taught in such Institutions, respectively.²

Petition read :
Rev. A. Balfour,
and others.

Institutions of
Education receiving
grants.

Mr. Hincks supported the motion and said that the Government had been endeavouring to obtain every information they could upon the subject. — ³

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Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Remuneration,
Emigrant Agent.

A Bill to appropriate a certain sum to enable Her Majesty to remunerate Doctor *Thomas Rolph*, for his past services as Emigration Agent, was according to order, read a second time.

Ordered — That the said Bill be engrossed.

Supply.

The order of the day, for the House in Committee of the whole on Supply, and on the Report of the Select Committee to which was referred the Message of His Excellency, the Governor-General, accompanying the Estimates for the year 1842, together with the documents connected therewith, and other references, being read,

Ordered — That the said order of the day be postponed, until Monday next.⁴

Sir Allan MacNab inquired of Mr. Hincks, whether His Excellency's message with regard to the pensions of Mr. Ogden and Mr. Davidson, was to be referred to the Committee of supply.⁵

Mr. Hincks said he was not then prepared to say what course the Government intended to take.⁶

Petition of
Montreal Board
of Trade.

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The order of the day, for the House in Committee to consider the expediency of amending the Act of the late Province of *Lower Canada*,

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6 Will. IV. Cap. 24, in so far as relates to that part of the said Act which compels boats going from *Upper* to *Lower Canada*, to report at *Coteau du Lac*; and on the Petition of the Montreal Board of Trade, being read,

The House accordingly resolved itself into the said Committee.

Mr. Cook took the chair of the Committee;⁷

Mr. Delisle said that there existed at present no necessity whatever for vessels being delayed at *Coteau Du Lac*. Vessels being obliged to report there, are subject to unnecessary delay. The law of stopping vessels at *Coteau Du Lac* was simply to ascertain what proportion of duty was payable to the Province of Upper Canada. Since the Union therefore, there was no necessity for it.⁸

Mr. Simpson ... ((complained)) that the petition was directed against him, for the course he had pursued in relation to certain public works (*Beauharnois Canal*).⁹ Without saying anything of the respectability or the right of the gentlemen who presented the petition, or of the gentlemen now bringing it forward, ((he)) would only say that it is one of those attacks which he was perfectly prepared to meet when he took his present stand at the commencement of the session. The petition was drawn up in a very great hurry; for it charges the delay of vessels at *Long Sault*, to a stoppage at *Coteau Du Lac*, fifty miles above it. It was a dolorous attack on the payment of the dollar, an affair between the Forwarding agents on one side and the Merchants on the other. There would be no safety or possibility of collecting the duty on vessels passing between the United States and the Province, were it not for the customs office at *Coteau Du Lac*. It was a wholesome restraint and should be preserved, it was in existence now upwards of forty years and if it was not a useful ordinance it would not have been preserved.¹⁰

Mr. Johnston never saw any great necessity for any Custom House at all at *Coteau Du Lac*. He would support the motion. He hoped that all restrictions on the St. Lawrence and on the Ottawa too would be removed.¹¹

Sir Allan MacNab thought the committee were going out of their course on this subject. The proper course would be to have the petition referred to a committee.¹²

Mr. Merritt contended that the usage at the Customs department and the inconvenience and delay suffered by vessels there, were restrictions upon the commerce of the country and should be removed.¹³

Mr. Moffatt supported the petition.¹⁴

Captain Steele viewed any tax on commerce as a restriction on Agricultural pursuits, he therefore viewed the prayer of the petition as one that should be complied with.¹⁵

Mr. Hincks said that from the manner in which Mr. Simpson had alluded to the petition at the outset, it might be supposed that this measure was brought about for his conduct in reference to the Beauharnois canal, but he unhesitatingly said that there was not collision (sic) or compact whatever between the honourable member who brought forward the petition, (Mr. Delisle) and any member of the government.¹⁶

Sir Allan MacNab said, from the nature of the charges which might arise out of the question before the committee he would not support the motion unless the subject was referred to a select committee to collect information and report to the house upon it.¹⁷

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Cook reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, on Thursday next.

The Honourable *Francis Hincks*, one of Her Majesty's Executive Council, delivered to Mr. Speaker two Messages from His Excellency, the Governor-General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth :

Charles Bagot.

The Governor-General informs the House of Assembly, in reply to their address of the 4th instant, that he is in daily expectation of receiving the Report of the Commissioners appointed pursuant to their Address of last Session, to inquire relative to the administration of Justice in the Inferior District of *Gaspé*; and that the same, with the evidence and documents appended to it, will not fail to be laid before the House with all possible despatch, after it shall have been received.

Government House,
Kingston, 5th October, 1842.

Charles Bagot.

The Governor-General informs the House of Assembly, in reply to their Address of the 26th ult. that the question of the advantages to result from the opening of the unoccupied Lands in the rear of the town of *Three Rivers*, will not fail to receive his attentive consideration before the close of the term for which the *St. Maurice* Forge Reserve is at present leased; and that in compliance with their request he has given instructions to the Law Officers of the Crown to suspend, for a time, any prosecutions that may have been instituted for arrears, which have long been suffered to accumulate upon the Jesuits Estates.

Government House,
Kingston, 5th October, 1842.

The Honourable *Francis Hincks* laid before the House, by command of His Excellency, the Governor-General,

Return to an Address of the Legislative Assembly to His Excellency, the Governor-General, bearing date the 1st October, 1842, praying that His Excellency will be pleased to cause to be laid before this House, a Return of the names of all persons to whom any Pension has been granted during the years 1839, 1840, 1841 and 1842, with the date of each grant, and the occasion of granting the same, and the amount thereof; and also the age of the person receiving such pension at the

Administration
of Justice, Gaspe.

Jesuits Estates.

Pensions.

DEBATES OF LEGISLATIVE ASSEMBLY

time of such grant, and the period for which the same has been granted.

By command.

F. Hincks,
In. Genl.

Inspector-General's Office,
Kingston, 6th October, 1842.

Return.

RETURN of the names of all persons to whom any Pension has been granted during the years 1839, 1840, 1841 and 1842, with the date of each grant, and the occasion for granting the same, &c.

Year.	Names of Persons.	Age of the persons at the time of the grant, as far as known.	Date of each grant.	Occasion for granting the Pension.	Annual amount, Sterling.	Period for which the Pension is granted.
1839	<i>L. P. Sherwood....</i>		Secretary of State Despatch, 1839....	Retiring Judge of the Court of Queen's Bench, <i>Upper Canada</i>	£ s.	
"	Widow and children of late Capt. <i>Unsher....</i>		11th May, 1839, date of Act	On the assassination of Capt. <i>E. Ussher</i> , by brigands from the United States; by Pro. Act 2 <i>Vic. Cap. 66</i>	600 0	For life.
1840	<i>Lewis Bright and wife....</i>		10th Feb'y, 1840, date of Act	Great age, and long and faithful services, to protect him and his aged wife from want	{ 90 0	{ For life to the Widow, and to the children until the youngest attains the age of 21.
"	<i>Joseph Randas....</i>		Same date	Loss of left arm while serving as a Volunteer, &c.....	{ 56 5	{ During their joint lives, by Act 3 <i>Vic. Cap. 64.</i>
"	Widow and children of Capt. <i>W. Kerry....</i>		Same date	<i>W. Kerry</i> , late Captain in Kent Militia, killed on service....	{ 18 0	{ During life, by Act 3 <i>Vic. Cap. 65.</i> During the life of the widow, & to the children until the youngest attains the age of 21 years, by Act 3 <i>Vic. Cap. 66.</i>
"	<i>Rev. R. R. Burrage....</i>	About 50	1st Oct. 1840....	As late Master of the Grammar School at Quebec	{ 18 0	{ During life, by Act 3 <i>Vic. Cap. 65.</i> During the life of the widow, & to the children until the youngest attains the age of 21 years, by Act 3 <i>Vic. Cap. 66.</i>
1841	<i>Edward McMahon....</i>		1st May, 1841....	Retiring allowance as late Chief Clerk in the office of the Secretary West.....	100 0	During life.
"	<i>James Nation....</i>	About 50	28th Sept. 1841....	Do. as late first Clerk in the Inspector-General's office, <i>Canada West</i>	210 0	do.
"	<i>Jasper Brewer....</i>	About 52	19th Aug. 1841....	As late Assistant Clerk to the Executive Council <i>Canada East</i>	112 10	do.
					100 0	do.

Year.	Names of Persons.	Age of the person at the time of the grant, as far as known.	Date of each grant.	Occasion for granting the Pension.	Annual amount, Sterling.	Period for which the Pension is granted.
1841	<i>F. Vassal de Monveil.</i>	About 75	18th March, 1841.....	As late Adjutant-General of Militia, Canada East.....	£ s. d.	
	<i>W'm. Cloughly.....</i>		1st May, 1841	As late Keeper of the Civil Secretary's Office, in Upper Canada.....	337 10	do.
	<i>W'm. Smith</i>	74	Vote of Assembly 18th Sept. 1841.....	As late Clerk of the Legislative Council, and Master in Chancery, Lower Canada.	25 0 0	During life.
An annual vote.	<i>Chs. C. deLéry.....</i>	68			354 0 0	For one year.
Dead.	<i>Jacques Voyer.....</i>	73	do.	As late Asst. Clerk to do.....	240 0 0	do.
	<i>W'm. Ginger.....</i>	70	do.	As late Cl'k. of Committees &c. of do.	150 0 0	do.
	<i>Louis Noreau.....</i>	47	do.	As late Serj't-at-Arms to do.	60 0 0	do.
	<i>L. B. Pinguet.....</i>	66	do.	As late Messenger to do	18 0 0	do.
	<i>Samuel Waller.....</i>	38	do.	As late Cl'k of Committees to House of Assembly, Lower Canada.....	60 0 0	do.
	<i>Jasper Breuer.....</i>	52	do.	As late Librarian to do.....	90 0 0	do.
	<i>Frs. Rodrigue....</i>	53	do.	As late Messenger to do.....	120 0 0	do.
	<i>La Gagné.....</i>	25	do.	Do. to do.....	16 4 0	do.
	<i>David Jardine.....</i>		do.	As late Writing Clerk to House of Assembly, Upper Canada.....	16 4 0	do.
	<i>W'm. Coates.....</i>			The Same.....	120 0 0	do.
	<i>A. Bell.....</i>		do.	Messenger to do.....	16 4 0	do.
	<i>J. G. Chewitt.....</i>	About 56	29th Feb'y, 1841.....	As late Surveyor and Draughtsman in Surveyor General's Office, Upper Canada	135 0 0	For life.
	<i>R. H. Thornhill...</i>	About 38	1st April, 1841.....	As late Clerk in the Crown Land Office, Upper Canada	112 10 0	do.
	<i>E. W. R. Antrobus.....</i>		1st July, 1841.....	As late Grand Voyer of the District of Quebec. Office abolished by Ordinance of Special Council..	350 0 0	do.

Year.	Names of Persons.	Age of the persons at the time of the grant, as far as known.	Date of each grant.	Occasion for granting the Pension.	Annual amount, Sterling.	Period for which the Pension is granted.
"	P. L. Panet	.....	1st July, 1841.....	The same, for the District of Montreal.	200 0 0	do.
1842	George Pyke	.....	29th June, 1842.....	As late Judge of the Court of King's Bench, for the District of Montreal.	666 13 4	do.

Inspector General's Office,
Kingston, 5th October, 1842.

Jos. Cary,
Dy. Insp. Genl.

Petition of
Major John
Richardson.

The order of the day, for the House in Committee on the Petition of Major John Richardson, being read,

The House accordingly resolved itself into the said Committee.
Mr. Boulton took the Chair of the Committee;¹⁸

Sir Allan MacNab, who introduced the petition ... spoke of the author's claims as a soldier, and a writer of celebrity. Having personally engaged in the scenes described, no one could be more competent to fill the place of historian. He had been rewarded for his gallantry in that war, by a commission.¹⁹

Dr. Taché ... reviewed the work now published by Major Richardson on the war of 1812, as one of great worth and merit and well deserving the support of the country.²⁰ He would vote for the encouragement of the work; the nations of Europe had their chroniclers of battles and the gallantry of their youth, to stimulate them to exertion, and it should be a matter of congratulation to every Honourable Member, that the present work had been undertaken. It would there appear that the Upper and the Lower Canadian had fought, side by side, under the British standard, and any who would state that the Lower Canadian did not still retain this feeling of loyalty, disseminated a falsehood — they were proud to be loyal, when well treated, and this work will evidence their bravery.²¹

Mr. Cook would vote for the work; he had an opportunity of judging of its correctness; he was at the battle of Chrysler's Farm. — (Laughter).²²

(112)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Boulton reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

King's Bench,
District of
Montreal.

On motion of the Honourable Mr. Hincks, seconded by Mr. Parke, Resolved — That this House do now resolve itself into a Committee of the whole House, to consider the expediency of continuing, for a limited time, the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the fourth year of Her Majesty's reign, and intituled, "An Ordinance to facilitate the despatch of business now before the Court of King's Bench, for the District of Montreal."

The House accordingly resolved itself into the said Committee.

Mr. *Parent* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Parent* reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient to continue, until the end of the Session of the Provincial Parliament next after the thirty-first day of December in the present year, a certain Ordinance of the Governor and Special Council of the late Province of *Lower Canada*, passed in the fourth year of Her Majesty's reign, and intituled, "An Ordinance "to facilitate the despatch of business now before the Court of King's "Bench, for the District of *Montreal*."

Ordered — That the Honourable Mr. *Hincks* have leave to bring in a Bill to continue, for a limited time, the Ordinance to facilitate the despatch of business before the Court of King's Bench for the District of *Montreal*.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, to-morrow.

(113)

A Bill to grant certain sums to Her Majesty for defraying certain indispensable expenses of the Civil Government, during the period therein mentioned, was, according to order, read a second time.

Ordered — That the said Bill be now referred to a Committee of the whole House.

The House, accordingly, resolved itself into the said Committee.

Mr. *Leslie* took the chair of the Committee;

Montreal King's
Bench Bill.

Supply.

Some of the Members objected to the Pension List, as the return shews that there are many young persons pensioned (in their opinion) who should not be.²³

A debate, or, more properly, a conversation, took place, on the conduct of the Commissioners of the St. Lawrence Canal.²⁴

Mr. *Hincks* read several ... despatches, and on them, as ground work, reasoned that the Commissioners had issued £8000 or £10,000 in debentures, without any authority from Government.²⁵

These were answered by Mr. *Morris*²⁶.

Finally, after repeated calls to order, the question was reverted to, and the Resolutions were carried²⁷.

(113)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Leslie* reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered — That the said Bill, as amended, be engrossed.

Petition Gore
Bank.

The order of the day, for the House in Committee on the Report of the Special Committee, to which was referred the Petition of the President, Directors, and Company, of the *Gore* Bank, with an instruction to Report, whether it is expedient to repeal the double security clause contained in the several Bank Charters within this Province, being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *Gilchrist* took the chair of the Committee;

The old discussion on this subject ensued²⁸.

(113)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Gilchrist* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, on Thursday next.

Bacon's relief.

The order of the day, for the House in Committee, on the engrossed Bill from the Legislative Council, intituled, "An Act to authorise the Courts of Queen's Bench and Chancery to admit *William Vynne Bacon* to practise therein, as an Attorney and Solicitor, respectively," being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *Sherwood* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Sherwood* reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table, and agreed to by the House, and are as followeth:

Lines 24 and 25. — Leave out "Court of Queen's Bench, and also for the."

Line 26. — Leave out "respectively."

Line 27. — Leave out "their respective discretion," and insert "the discretion of the said Court."

Line 29. — Leave out "Courts, respectively," and insert "Court."

Preamble, line 14. — After the word "comply" insert "in part."

Title, line 1. — Leave out "Courts of Queen's Bench and" and insert "Court of."

Title, line 4. — Leave out "respectively."

Ordered — That the said amendments be engrossed.

Petition, R. F.
Gourlay.

The order of the day, for the House in Committee on the Report of the Special Committee to which was referred the Petition of *Robert F. Gourlay*, of *St. Catharines*, being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *Simpson* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Simpson* reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved — That this House doth concur in the Report of the Special Committee.

On motion of the Honourable Mr. *Neilson*, seconded by Mr. *Hamilton*,

Ordered — That a copy of the said Report be communicated to His Excellency, the Governor-General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Ladies Ursuline
Convent, Quebec.

The order of the day, for the House in Committee on the Report of the Special Committee²⁹ to which were referred the Petition of the Reverend the Religious Ladies of the Ursuline Convent of Quebec, and the Petition of *John Bonner* and *William Petrie*, of Quebec, being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *Dunlop* took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Dunlop* reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:—

Resolved — That this House doth concur in the Report of the Special Committee.

On motion of the Honourable Mr. Neilson, seconded by Mr. Hamilton,

Ordered — That a copy of the said Report be communicated to His Excellency, the Governor-General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Salmon
Fisheries, Gaspe.

The order of the day, for taking into consideration the Report of the Special Committee, to which was referred the Bill to regulate the Salmon Fisheries in the District of Gaspé, being read,

The House, accordingly, proceeded to take the said Report into consideration.

And the said Report was again read.

On motion of Mr. Hamilton, seconded by the Honourable Mr. Neilson,

Resolved — That this House doth concur with the Special Committee in the said Report.

Contingent
Expenses.

The order of the day, for the House in Committee on the second Report of the Special Committee, on the Contingent Accounts and Expenses of this House, during the present Session; and on the Report of the Select Committee to which was referred the Petition of William Ross, and others, and other references, being read,

On motion of Mr. Morris, seconded by Mr. Roblin,

Ordered — That it be an instruction to the said Committee to take into consideration the expediency of granting to the Sergeant-at-Arms the sum of ——, for the current year, in addition to the amount he receives by law.

The House then resolved itself into the said Committee.

Mr. Forbes took the chair of the Committee;

Several Members having retired,

Mr. Speaker resumed the Chair,

And the names of the Members present were taken down, as follows :—

Mr. Speaker,

Mr. Berthelot, Mr. Boswell, Mr. Christie, Mr. DeWitt, Mr. Dunlop, Mr. Forbes, Mr. Hale, Mr. Hincks, Mr. Holmes, Mr. Hopkins, Mr. Johnston, Mr. Morris, Mr. Parke, Mr. Powell, Mr. Roblin, and Mr. Simpson.

And at twenty minutes past nine o'clock, at night, Mr. Speaker adjourned the House for want of a *Quorum*.³⁰

Appendix, 6 October 1842.

((Postponed Motion Re : Gosford Road.))

Mr. Hale moved that his motion relative to the Gosford road which was to be proceeded with this day, be postponed till to-morrow.³¹

Footnotes — 6 October 1842.

1. "The proceedings this day ... were of little importance." EXAMINER, 19 October 1842. "The Speaker in the chair soon after 3 o'clock," noted the MONTREAL TRANSCRIPT, 11 October 1842.

2. The remarks made on this motion were reported in identical accounts by: MONTREAL TRANSCRIPT, 11 October 1842, and BRITISH COLONIST, 12 October 1842.

3. MONTREAL TRANSCRIPT, 11 October 1842.

4. The remarks following this were reported in identical accounts in: MONTREAL TRANSCRIPT, 11 October 1842; and BRITISH COLONIST, 12 October 1842.

5. MONTREAL TRANSCRIPT, 11 October 1842.

6. IBID.

7. The ensuing debate was reported by: MONTREAL GAZETTE, 9 October 1842; MONTREAL TRANSCRIPT, 11 October 1842; and BRITISH COLONIST, 12 October 1842. The MONTREAL GAZETTE noted that "However incredible it may appear, two hours were consumed in the unanimous approval of the Resolution."

8. BRITISH COLONIST, 12 October 1842.
9. MONTREAL GAZETTE, 9 October 1842.
10. BRITISH COLONIST, 12 October 1842.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. This debate was reported by : MONTREAL GAZETTE, 9 October 1842 ; and BRITISH COLONIST, 12 October 1842.
19. MONTREAL GAZETTE, 9 October 1842.
20. BRITISH COLONIST, 12 October 1842.
21. MONTREAL GAZETTE, 9 October 1842.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. MONTREAL TRANSCRIPT, 11 October 1842, which reported that: "The committee on both petitions recommended the postponement of the consideration thereof, until next session, as the prayers contained in the petitions involved circumstances of such a nature that the committee could not obtain sufficient evidence during the present short session."
30. "The House soon after adjourned, thereby allowing the Members to attend the Concert of Monsieur Nagel, who is here astonishing the natives with his exquisite performance on the violin. A large and fashionable audience attended the Concert. The Kingstonians are looking and feeling very glum, since the powerful vote of yesterday, conveying "a want of confidence" in the place ; and they, conscious of music's charms, adopted that course to enliven their drooping spirits. Monsieur Nagel certainly arrived at a favourable season." MONTREAL GAZETTE, 9 October 1842.
31. MONTREAL TRANSCRIPT, 11 October 1842.

Friday, 7 October 1842.¹

(114)

4 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table :—

By Mr. *Boswell*, the Petition of *William Owston*, of *Hamilton*, Keeper of *Gull Island Light House*.

By the Honourable Mr. *Hincks*, the Petition of *Thomas Errengy*, and others, of the town of *Prescott*.

By the Honourable Mr. *Dunn*, the Petition of the Mayor, Aldermen, and Commonalty, of the city of *Toronto*.

By Mr. *McLean*, the Petition of *John Montgomery*, and others, of the township of *Roxborough*.

Supply Bill.

An engrossed Bill, to grant certain sums to Her Majesty, for defraying certain indispensable expenses of the Civil Government, during the period therein mentioned, was read for the third time.

Resolved — That the Bill do pass, and the title be, “An Act “to grant certain sums to Her Majesty, for defraying certain indispensable “expenses of the Civil Government, during the periods therein mentioned.”

Ordered — That the Honourable Mr. *Hincks* do carry the said Bill to the Legislative Council, and desire their concurrence.

Emigrant Agent,
remuneration.

An engrossed Bill, to appropriate a certain sum to enable Her Majesty to remunerate Doctor *Thomas Rolph*, for his past services, as Emigration Agent, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Hincks* do carry the said Bill to the Legislative Council, and desire their concurrence.

Bacon's relief.

An engrossed Bill, from the Legislative Council, intituled, “An “Act to authorise the Courts of Queen's Bench and Chancery to “admit *William Vynne Bacon*, to practise therein as an Attorney “and Solicitor, respectively,” as amended, was read for the third time.

Resolved — That the said Bill, as amended, do pass.

Ordered — That the Honourable Mr. *Viger* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same, with several amendments, to which they desire the concurrence of their Honours.

Petitions read ;

Rev. G. H. Allen,
and others.

Pursuant to the order of the day, the following Petitions were read :—

Of the Reverend *G. H. Allen*, and others, Members of the Church of *England*, in the Diocese of *Quebec*, praying for the passing of an Act regulating the Temporalities of the Church of *England*, in said Diocese.²

Ebenezer Perry,
and others.

Of *Ebenezer Perry*, and others, of the town of *Cobourg*, praying that measures may be taken to ameliorate the present depressed condition of the commercial and agricultural interests.³

John Hardeley,
and others.

Of *John Hardeley*, and others, of the District of *Gaspé*, praying that those articles which are necessary for carrying on the Fisheries be allowed to enter the said District, free of duty.⁴

Le Boutillier,
Brothers, and
others.

Report on
Petition of John
Gilchrist.

Speaker, late
House of Ass'y.
Upper Canada.

Crown Land
and Jesuits
Estates, Three
Rivers.

War Losses.

Of Messieurs *Le Boutillier*, Brothers, and others, of the eastern part of *Bonaventure*, praying that such articles as are necessary for carrying on the Fishing be allowed to be imported into the District of *Gaspé*, free of duty.

Mr. *Boswell*, from the Special Committee to which was referred the Petition of *John Gilchrist*, of *Peterborough*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as follows :—

"Your Committee have examined the depositions of several respectable persons, all of which shew that the dam erected on the River *Trent*, referred to in the said Petition, has had the effect of raising the water in the stream where the Mills of the Petitioner are situated, and periodically to stop and injure the operation of the same, and has also caused other damage and injury to Petitioner."

Your Committee, therefore, respectfully recommend to your Honourable House, to authorise the Board of Works, with as little delay as possible, to ascertain the extent of damage and injury sustained by Petitioner, in consequence of said dam on Public Works, and to report the same to the proper authority, with a view to the proper steps being taken to afford compensation for such damage; also, to take measures to prevent the recurrence and continuation of the like injury and damage upon property of the Petitioner; and for the regulation of the waters of the *Rice Lake*, in such a manner as to abate, as much as possible, the sickness which it appears to cause."

On motion of Mr. *Hale*, seconded by Mr. *Taché*,

Ordered — That the entry in the Journals of this House, of the tenth September, 1841, relating to the Speaker of the late House of Assembly of *Upper Canada*, be now read.

The said entry was read accordingly.

Mr. *Hale* moved, seconded by Mr. *Taché*, that that part of the Report of the Special Committee on the Contingent Accounts, and other Expenses of the last Session, in relation to the remuneration of the late Speaker of the House of Assembly of *Upper Canada*, be referred to the Special Committee on the Contingent Accounts and Expenses of this House, during the present Session.

Mr. *Christie* opposed the claim being brought forward; it was fully discussed last session, and should not be brought before the House again.⁵

Mr. *Boswell* said the motion should be referred to a committee.⁶

(114)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Ordered — That one hundred copies of the Address of this House, of the twenty-sixth of September last, to His Excellency, the Governor-General, relating to the Crown Lands and Jesuits' Estates, in the District of *Three Rivers*; together with the Message of His Excellency of the sixth instant, in reply to the said Address, be printed in each of the English and French languages, for the use of the Members of this House.

The Honourable *John H. Dunn*, laid before the House, by command of His Excellency, the Governor-General,

Return to and Address of the House of Assembly, dated the 29th September, 1842, praying for a detailed statement of all losses sustained during the late war with the *United States of America*, and unpaid, with each District by itself.

[For the said Return see Appendix (N.) at the end of this Volume.]

Ordered — That five hundred copies of the said Return be printed for the use of the Members of this House.

Seat of Government.

Ordered — That two hundred and fifty copies of the votes on the message of His Excellency, the Governor-General, relative to the Address of this House during the last Session, on the subject of convening the Parliament at *Quebec* and *Toronto*, be printed in each of the English and French languages, for the use of the Members of this House.

Report on Petition of Major John Richardson.

Mr. *Boulton*, from the Committee of the whole House, on the Petition of Major *John Richardson*, reported, according to order, the Resolution of the said Committee; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as follows:

(115)

Resolved — That it is expedient to encourage the publication of a work intituled, "The War of 1812," written and published by Major *John Richardson*.⁷

The resolution recommending the prayer of the petition was concurred in.⁸

Sir Allan MacNab moved that the subject be referred to committee of supply.⁹

Mr. Hincks said that the subject should go before His Excellency first, before the House could entertain it.¹⁰

(115)

Sir *Allan N. MacNab* moved, seconded by Mr. *Hamilton*, That an humble Address be presented to His Excellency, the Governor-General, communicating the said Resolution.

The Honourable Mr. *Viger* moved, seconded by the Honourable Mr. *Neilson*, That the consideration of the said motion be postponed until the next sitting of this House.

The question having been put on the said motion, a division ensued, and it passed in the negative.

The question being then put on the main motion, the House divided thereon, and it was carried in the affirmative; and,

Resolved — Accordingly.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

A Message from the Legislative Council by *John Godfrey Sprague*, Esquire, Master in Chancery.

Legislative Council,
Friday, 7th October, 1842.

Winter Roads.

Ordered — That the Master in Chancery do go down to the Legislative Assembly and acquaint them, that the Legislative Council does not insist on a certain amendment made to the Bill, intituled, "An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province formerly called Lower Canada," to which the Assembly disagree.

Attest.

Charles deLéry,
Dy. Clk. Leg. Council.

And then he withdrew.

On motion of Mr. *Hale*, seconded by the Honourable Mr. *Jones*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, respectfully calling His Excellency's attention to the first clause of the Provincial Statute, 4 & 5 Victoria, cap. 28, appropriating the sum of ten thousand pounds, sterling, towards the improvement and completion of the *Gosford* Road through the block of land owned by the Government, — and praying that he would cause enquiry to be made whether the intention of the Legislature and the express words of the Statute have been followed in the operations

Gosford Road.

had upon the said road; and also, praying that in the event of his being satisfied that they have not been so followed, he would cause all further operations to be suspended.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

King's Bench,
Montreal District.

A Bill to continue, for a limited time, the Ordinance to facilitate the despatch of business before the Court of King's Bench for the District of *Montreal*, was, according to order, read a second time.

Ordered — That the said Bill be engrossed.

An engrossed Bill to continue, for a limited time, the Ordinance to facilitate the despatch of business before the Court of King's Bench for the District of *Montreal*, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Hincks* do carry the said Bill to the Legislative Council, and desire their concurrence.

Contingent
Accounts.

The order of the day, for the House in Committee on the Second Report of the Special Committee on the Contingent Accounts and Expenses of this House, during the present Session, and on the Report of the Select Committee to which was referred the Petition of *William Ross*, and others, and other references, being read,

The House accordingly resolved itself into the said Committee.

Mr. *Forbes* took the chair of the Committee;¹¹

The House then took up the subject of the door-keeper's salary, on motion of some Hon. Member: they discussed this point for about an hour and a half, and then decided to reduce his salary to £60 for the current year, being £20 less than paid to him last year.¹²

This was strenuously opposed by the minority, who condemned the idea of lessening his shabby pittance ... a door-keeper, who had accepted and held office, with the understanding that the sum of £80 was to be awarded to him.¹³

The salary of the Serjeant-at-Arms was also taken into consideration.¹⁴

(115)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *Forbes* reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered — That the Report be received, to-morrow.

Then on motion of Mr. *Boswell*, seconded by Mr. *McLean*,
The House adjourned until to-morrow, at three o'clock, p.m.

Appendix, 7 October 1842.

((Question and Answer Re : Date of Prorogation.))

Mr. *Hale* inquired of the honourable gentleman on the treasury bench, (Mr. *Hincks*), whether he could inform the house as to what day the prorogation may take place.¹⁵

Mr. *Hincks* said he could not give any positive information on the subject, but he believed that it might take place early in the ensuing week.¹⁶

Footnotes — 7 October 1842.

1. LA MINERVE, 10 October 1842, LE CANADIEN, 12 October 1842, MONTREAL TRANSCRIPT, 11 October 1842, and MONTREAL GAZETTE, 9 October 1842, all agree that there was little important business before the House. The report in the MONTREAL GAZETTE says: "There is little or no business before the House, and the only reason for delaying the prorogation of Parliament, is the want of a

Report from the Committee of Beauharnois Canal, who have waited some days for Mr. Killaly, whom they wished to examine. It will, probably, take place in the early part of the week; at which time the Members will leave this "Paradise of Canada," for places more consonant to their feelings. There is but little feeling of regret shewn at the prospect, and many have already taken their departure, not having any direct interest in the measures remaining incomplete.

2. Presented by Mr. Dunscomb, according to MONTREAL GAZETTE, 9 October 1842.
3. Presented by Mr. Hincks, according to MONTREAL GAZETTE, 9 October 1842.
4. Presented by Mr. Christie, according to MONTREAL GAZETTE, 9 October 1842.
5. BRITISH COLONIST, 12 October 1842.
6. IBID.
7. The debate on this was reported by: BRITISH COLONIST, 12 October 1842; MONTREAL GAZETTE, 9 October 1842; and LE CANADIEN, 12 October 1842. The COLONIST noted that: "The ... Members discussed a question of practice for above an hour; it was all mere assertion, and no authority was adduced."
8. BRITISH COLONIST, 12 October 1842.
9. IBID.
10. IBID.
11. This debate was reported by: BRITISH COLONIST, 12 October 1842; and MONTREAL GAZETTE, 9 October 1842.
12. MONTREAL GAZETTE, 9 October 1842.
13. IBID.
14. IBID.
15. BRITISH COLONIST, 12 October 1842.
16. IBID.

Saturday, 8 October 1842.

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1 Petition
brought up.

Petitions read ;

J. Sissons, and
others.

Wm. & George
Portt.

Bacon's relief
Bill.

Foreign Wheat.

Emigration
Agent.

Loan.

Supply.

Upper Canada
Bank.

Commercial
Peak.

British America
Fire and Life
Assurance.

A measurement
of Timber.

The following Petition was brought up, and laid on the table : —
By Sir Allan N. MacNab, the Petition of Hamilton Hunter, and others, Reporters in attendance upon the House.¹

Pursuant to the order of the day, the following Petitions were read : —

Of Jonathan Sissons, and others, of the township of Vespra, county of Simcoe, praying for amendments to the Militia Law of Canada West.

Of William Portt, and George Portt, of Tyendenaga, District of Victoria, praying for an indemnification for losses sustained by the burning of their property by political incendiaries.

A Message from the Legislative Council by John Godfrey Spragge, Esquire, Master in Chancery.

Mr. Speaker,

The Legislative Council have agreed to the amendments made by the Assembly to the Bill, intituled, "An Act to authorise the Courts of Queen's Bench and Chancery to admit William Vynne Bacon to practise therein, as an Attorney and Solicitor, respectively," without any amendment.

And also,

The Legislative Council have passed the following Bills, without any amendment :

"An Act to impose a duty upon Foreign Wheat imported into this Province."

"An Act to appropriate a certain sum, to enable Her Majesty to remunerate Dr. Thomas Rolph, for his past services as Emigration Agent."

"An Act to authorise, by way of loan, in England, the sum of one million five hundred thousand pounds, Sterling, for the construction and completion of certain Public Works in Canada."

"An Act to grant certain sums to Her Majesty, for defraying certain indispensable expenses of the Civil Government, during the periods therein mentioned."

"An Act to extend the Charter of the Bank of Upper Canada, and to increase the capital stock thereof."

"An Act to extend the Charter of the Commercial Bank of the Midland District, and to increase its capital stock."

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"An Act to extend the powers of the British America Fire and Life Assurance Company, to Marine Assurances."

"An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and exportation from this Province, and for other purposes relative to the same."

And then he withdrew.

Report on
Petition of N.A.
Co'l Society.

Report on
Petition of Geo.
Macdonell, and
others.

Collectors at
Warehousing
Ports to make
Returns.

Mr. Merritt, from the Special Committee to which was referred the Petition of the North American Committee of the Colonial Society, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table.

[For the said Report, see Appendix (W.) at the end of this Volume.]

Ordered — That the said Report be referred to a Committee of the whole House, on Monday next.

Mr. McLean, from the Special Committee to which was referred the Petitions of *George Macdonell*, and others, Inhabitants of the *Eastern* and *Ottawa* Districts, and the Petition of *T. Ward*, and others, of the town of *Port Hope*, in the County of *Durham*, in the *Newcastle* District, with power to report from time to time, presented to the House the First Report of the said Committee, which was again read at the Clerk's table.

[For the said Report, see Appendix (X.) at the end of this Volume.]

Mr. McLean also presented to the House the second Report of the said Committee, which was again read at the Clerk's table.

[For the said Report, see Appendix (X.) at the end of this Volume.]

Ordered — That the said Report be referred to a Committee of the whole House, this day.

On motion of the Honourable Mr. Moffatt, seconded by Sir *Allan N. MacNab*,

Ordered — That the Collectors, at the several Warehousing Ports in this Province, do return to this House within the first ten days of the next Session thereof, a certified copy of the Regulations made by them, respectively, for the warehousing, delivery, and transmission, of Goods in Bond, at and from the said Warehousing Ports; and that the Clerk of the House do forthwith transmit a copy of this order to the said Collectors, respectively.²

Mr. Harrison said there was no objection on his part to the return being made, but he conceived that it was through the Government it should more properly come. —³

Mr. Parke thought the information desirable but not in this manner; it should come through the Governor General.⁴

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A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery :

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to continue, for a limited time, the Ordinance to facilitate the despatch of business before the Court of King's Bench, for the District of *Montreal*," without any amendment.

And also,

The Legislative Council have passed the Bill, intituled, "An Act to continue, for a limited time, certain Acts and Ordinances," with an amendment, to which they desire the concurrence of the Assembly.

And then he withdrew.

On motion of the Honourable Mr. Harrison, seconded by the Honourable Mr. Killaly,

Ordered — That the amendment made by the Legislative Council to the Bill, intituled, "An Act to continue, for a limited time, certain 'Acts and Ordinances,'" be now taken into consideration.

The House proceeded accordingly to take the said amendment into consideration.

And the said amendment was read, and is as followeth :

Preamble, line 3. — After "Ordinances" leave out all the words to "Canada" in the 4th line, inclusive.

Court of King's
Bench, District
of Montreal.

Certain Ordin-
ances.

And the said amendment being again read, and the question of concurrence being put thereon, it was agreed to by the House.

Ordered — That the Honourable Mr. *Harrison* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendment.

Church Temporalities.

On motion of Mr. *Hale*, seconded by Mr. *Black*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, under the provisions of the forty-second section of the Imperial Act to re-unite the Provinces of *Upper* and *Lower Canada*, specifying that a certain Bill, passed by this House during the present Session, intituled "An Act to make provision for "the management of the Temporalities of the United Church of *England* and *Ireland*, in the Diocese of *Quebec*, in this Province, and for "other purposes therein mentioned," contains provisions, respecting some of the purposes in the said section specially described, connected with Endowments, Incumbents, Dues, Rights, and Discipline, of and pertaining to the said United Church of *England* and *Ireland*, and respectfully desiring that, in order to give effect to the said Bill, such Bill may be transmitted to *England*, without delay, for the purpose of being laid before Parliament, previously to the signification of Her Majesty's assent thereto.

Ordered — That the said Address be presented to His Excellency, the Governor-General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Timber Duties.

Ordered — That the Petition of the Honourable *George Pemberton*, and others, Merchants of *Quebec*, praying for the remittance of one half of the Timber duties, they having entered into engagements to pay, in the full assurance that no alteration would take place in the system of the Timber Trade, be printed for the use of the Members of this House.

Report on Transport.

Mr. *Simpson*, from the Special Committee appointed to examine and ascertain the most feasible means of removing obstructions in the navigation of the *Ottawa* and River *St. Lawrence*, and at the same time to extend their enquiries to all other communications of transport within the Province, presented to the House the Report of the said Committee; which was again read at the Clerk's table, and is as followeth :

"Your Committee have had before them several witnesses, whose testimony is hereto appended, and after a careful consideration of the same, beg leave respectfully to Report,

"That they respectfully recommend that an Address be presented to His Excellency, praying that he will direct an Engineer to be sent to examine the *Cedar Rapids*, and if the obstructions to the navigation be found to exist, and if the improvement suggested by the erection of a Dam will raise the water in those rapids two feet, at an expense equivalent to the object to be gained, and thus prevent at all times the necessity of boats discharging any parts of their cargoes at *Coteau du Lac*, previous to descending the *Cedar Rapids*, that he will cause the said obstructions to be removed."

Evidence of *William Roebuck*, Esquire, (Superintendent of Pilots, and Salvage Agent to the *St. Lawrence Inland Marine Assurance Company*.)

7th October, 1842.

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Ques. 1. Are you acquainted with the *Cedar Rapids*, and the obstructions which exist in the navigation of those rapids ?

I am well acquainted with the *Cedar Rapids*, and all obstructions in them. They consist of a very intricate channel, narrow and shoal ; the most difficult place is that marked in the plan, "descents," 1-2-3 ; this is shoal, so that when a boat plunges or settles down, if loaded too deep, it strikes the bottom with great violence, the current

going at a rate of from six to seven miles the hour, and the boat ten or eleven. There are other large rocks which impede the channel.

2. State to the Committee in what manner you think those obstacles could be removed, so as to enable boats descending the *St. Lawrence* to carry their full freight, and not to discharge any at *Coteau du Lac*?

I would recommend that a Dam be run in from *Cedar Point* to *Hog Island*; this would shut out an immense quantity of water, and throw it into these very places; and it must not be imagined that the water thus shut from finding a progress down the north side of *Hog Island* would be spread over a large space; on the contrary, it would be met by a counteracting current from the south, and be piled up in the very channel now marked as the boat channel; neither must it be thought that the water passing down the narrowest channel from *Hog Island* to the main shore is all that would be thrown there. A large body of water enters the part where I have put the proposed Dam, meets not sufficient egress, and returns into the main channel again, but too low to assist the descents. The large boulders and detached stones might be removed with skill and courage, by anchoring two boats over them, and lifting them up by machinery, and floating them into deep water.

3. At what expense do you think these improvements, suggested by you, could be effected?

I would make a draft of this Dam, construct it, fill it with stones and gravel, all in a good and substantial manner, with sufficient base to resist the current and ice, bring it three feet above the present level of the water, take out the necessary boulders, and in short, prevent the necessity of boats unloading at *Coteau du Lac*, for the sum of ten thousand pounds, and finish all during next summer, provided a contract was given out this fall, in time enough to obtain the required timber. In saying this, I do not do it unadvisedly, having been often employed in building Dams and Slides on the *Ottawa*, as well as in the *United States*, all of which have been done in very rapid water, and dangerous places.

William Casey, Esquire, Civil Engineer, examined.

Ans. to Q. 1. I paid some attention to them in September last.

Ans. to Q. 2. The large boulders should be weighed and carried out of the channel, as is commonly done about *Montreal*. The proposed Dyke or Dam will be in every way advantageous, but I could not give any opinion as to the additional depth which would be thereby secured.

Ans. to Q. 3. The cost of a Dyke of loose stone sufficient to withstand the current, ice, stacks of rafts, &c. would be, for a distance of fifteen hundred yards, with an average depth of water of three feet, about £6,000. If the face were protected by timber, the cost would be from £8,000 to £10,000, according to the style of the work.

Messieurs *Merritt* and *Simpson*, two Members of the House, appeared before the Committee, and confirmed the views taken by the preceding witnesses.

Ordered — That the said Report be referred to a Committee of the whole House, on Monday next.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor-General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth: —

Charles Bagot.

The Governor-General will have pleasure in assisting to give effect to the opinion expressed by the House of Assembly, in their Address in favour of the Expediency of encouraging the publication of a work, intituled, "The War of 1812," written and published by Major *John Richardson*. For this purpose, the Governor-General recommends to the House of Assembly, to appropriate a sum not exceeding £250,

Provincial Currency, to the promotion of the object of the Address, in such manner as shall be thought fit by the Legislature.

Translation and Compilation of Criminal Laws of England.

The Governor-General also recommends the appropriation of the sum of £250, Provincial Currency, for the promotion of a work by Mr. *James Crémazie*, containing a translation and compilation of the Criminal Laws of *England*, as applied to the Province of *Canada*, by Statutes of the Provincial Legislature.

Government House,

Kingston, 8th October, 1842.

On motion of Sir *Allan N. MacNab*, seconded by the Honourable Mr. *Moffatt*,

Ordered — That the said Message be referred to the Committee of Supply, on Monday next.

Boundary line Commissioners.

Mr. *Roblin* moved, seconded by Mr. *Boswell*, That the order of the day for the second reading of the Bill to authorise the Boards of Boundary Line Commissioners within the several Districts of *Canada West*, to close up their proceedings now in progress, lost by the adjournment of the House, on Thursday last, be revived, and that the said Bill be read a second time, on Monday next.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

Ordered — Accordingly.

Mr. Dunscomb,
Vacates his Seat.

John W. Dunscomb, Esquire, rose in his place, and informed Mr. Speaker and the House, that it was his intention to vacate his seat as a Member of this House, for the county of *Beauharnois*, and that in consequence of the provisions of the Act of the late Province of *Lower Canada*, 1st Will. IV. cap. 42, he now vacated his seat accordingly.

Contingent
Accounts.

The order of the day, for receiving the Report of the Committee of the whole House, on the Second Report of the Special Committee on the Contingent Accounts and Expenses of this House, during the present Session ; and on the Petition of *William Ross*, and others, and other references, being read,

Ordered — That the said order of the day be postponed, until Monday next.

Petitions of
Geo. Macdonell,
and T. Ward.

The order of the day, for the House in Committee on the First and Second Reports of the Special Committee to which were referred the Petitions of *George Macdonell*, and others, Inhabitants of the *Eastern* and *Ottawa* Districts ; and the Petition of *T. Ward*, and others, of the town of *Port Hope*, in the county of *Durham*, in the *Newcastle* District, being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *Dunlop* took the chair of the Committee ;⁵

A lengthy discussion ensued.⁶

Messrs. McLean, MacDonald, Neilson and others took active part. Very warm language took place between the gentlemen on each side. The only subject of dispute was that the road was made on a different line from that contemplated by Government, when the money (£1500) was granted.⁷

Mr. *Killaly*, President of the Board of Works, finally addressed the House. He said no man was more anxious for a reorganization of the board than he was, — if it was composed of Angels, they could not please the country in the present position of affairs. Mr. Killaly then stated at some length, his opinion on the road formed, and the advantages of it over the one originally proposed. He said the present line was not adopted without the opinion of high military authority for it, and Sir Richard Jackson sent an Engineer, who surveyed, and reported thereon most favourably. He had heard some complaints (sic) certainly, from Mr. *McLean*, on the road adopted, but he confessed not without some suspicion, knowing that the honourable gentleman was deeply interested in the other line.⁸

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and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Dunlop reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Mr. Speaker having put the question,

Shall the Committee have leave to sit again on Saturday next?

The House divided thereon, and the names being called for, they were taken down as followeth :

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YEAS.

Armstrong, Berthelot, Boulton, Cameron, Child, Cook, Daly, Derbyshire, DeWitt, Draper, Dunn, Dunscomb, Durand, Foster, Gilchrist, Harrison, Hincks, Hopkins, Killaly, Kimber, Leslie, J. S. Macdonald, Noel, Parent, Parke, Powell, Harmannus Smith, Steele, Taché, Turcotte, D. B. Viger, and L. M. Viger. (32.)

NAYS.

Boswell, Boutilier, Chesley, Forbes, Hamilton, Sir Allan N. MacNab, McLean, Merritt, Moffatt, Neilson, Roblin, Simpson, Henry Smith, Sherwood, and Williams. (15.)

So it was carried in the affirmative, and,

Ordered — Accordingly.

Mr. Boulton moved, seconded by Mr. Chesley, That two hundred and fifty copies of the First Report of the Special Committee to which were referred the Petitions of *George Macdonell*, and others, Inhabitants of the Eastern and Ottawa Districts; and the Petition of *T. Ward*, and others, and the town of *Port Hope*, in the county of *Durham*, in the *Newcastle* District, and of the evidence accompanying the same, be printed in each of the English and French languages, for the use of the Members of this House.

The question having been put on the said motion, a division ensued, and it was carried in the affirmative.

Ordered — Accordingly.

Mr. Williams moved, seconded by the Honourable Mr. Neilson, That two hundred copies of the Second Report of the said Committee, and of the evidence accompanying the same, be printed in each of the English and French languages, for the use of the Members of this House.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

Ordered — Accordingly.

Then on motion of the Honourable Mr. Viger, seconded by Mr. Hamilton,

The House adjourned.

Appendix, 8 October 1842.

((Report of Commission of Seigniorial Tenure Inquiry.))

The Commission of Seigniorial Tenure Inquiry ... made a Preliminary Report to the House, by which it appeared that sufficient powers were not vested in them, to enable them to attain the object for which they were appointed.⁹

Mr. Simpson asked if it was the intention of the Treasury Bench to invest them with the powers required, otherwise he would adopt some measure to remedy the defect.¹⁰

Mr. Harrison replied, that he had no doubt that they would be furnished with full power.¹¹

((Withdrawn Motion Re : Consideration of Report on Nelson Hackett.))¹²

Dr. Dunlop moved that all papers relating to the case of Nelson Hacket be referred to a committee of the whole forthwith.

He would not say that the papers before the house were garbled, but they were incomplete. And this was not the case of one man, but of thousands. In it is involved a great question of international law. Hacket came here charged with felony, but nothing was proved

against him ; and he was kept in jail 8 weeks until other evidence was brought from Arkansas that could swear better. He would not say that they had sworn falsely, but he would say that he had no faith in their swearing. There is a gang of kidnappers who haunt the frontiers on the other side, who are always ready to swear that some free black man or woman has committed ((a)) felony, in order that they may get them into their clutches, and sell them in slavery. This has been done more than once, and in one case riot and bloodshed followed the attempt. Whether the charge(s) against Hackett were true or false affects not the question ; for if true he ought not to have been given up, because the Government have no authority in the matter. How are we to know that there is such a state as Arkansas, or any Governor of that State ? Has he sent an ambassador to this Province, or have we sent an ambassador to him ? We know no state but the United States, and no Governor but the supreme Governor or President of the United States at Washington. If any wrong be committed, or complaint be made, the negotiation for redress can not be between the Governor of any state and the Governor of this Province ; but the Federal Government must make complaint to the British minister at Washington ; he must lay that before the British Government, and they must refer the matter to the Governor of this Province for his report thereon, in order that they may give redress, if required. He was jealous of these slave States, for they had passed most disgraceful and iniquitous laws against the blacks. They send to the Governor of Canada, and demand slaves, but he has no authority to surrender them, nor have they any to claim them. The negotiation is unauthorized on both sides. He supposed they would make treaties next. The Governor of New York would make a treaty with the Governor of Canada, and admit flour here free if they pleased. The Governor of Arkansas is nobody, and the Governor of Canada is nobody, on this question. This man has had wrong done to him, and we may complain, but where is redress to be had now ? The act which is pleaded as authority for his surrender goes directly in the teeth of principle in supposing that there is any power in Upper Canada to negotiate with foreign states. There is no such power. He did not blame the government, for living in a glass house, he should not throw stones. He had broken the law himself for 16 years, ever since he had the honor of being justice of peace. These scoundrels broke open a store in Detroit and escaped with their plunder to Canada. He had them arrested, and sent back with a polite note to the Mayor of Detroit, saying that he did not want his black guards in Canada. The mayor sent him a polite note in reply, saying he would send him Canadian blackguards whenever he would catch them. But neither of them had any right to be sending blackguard for blackguard. There was a set of men who made a livelihood by stealing free blacks from our side, and we should give them no encouragement.¹³

Mr. D.B. Viger hoped his hon. friend would withdraw his motion for we could not take up such an important matter at this late period of the session. It was a great question. The Governor of Arkansas claimed a man under the protection of the British Government, and it was a case of the greatest importance. The Government had no right to give up any man, whether he was a subject or a foreigner. In the case of Wilcox, who was given up in Lower Canada, the Governor of Vermont did not demand him, but it was done by the President. In Fishers's case, he had said it was a disgrace to surrender a man not even accused, the Governor of Lower Canada should not be a sheriff to the Governor of a state. It is said Hackett was accused of felony; but there is no right to surrender a man charged with ordinary felony, but only for certain crimes against the law of nations, as piracy. It is said there is a law of Upper Canada which authorized the surrender, but Upper Canada had no right to pass such a law. It is the prerogative of the Imperial Government. This man was a foreigner, but he was under the protection of the British Empire. Had the case happened under a despotic government, as was once customary in France, it could have caused no surprise ; but that it occurred under a liberal government like England, is astonishing. The case has been taken up in England, and it was said that all was right ; but they could not have all the papers before them, or they would not have said so. The question is this, was the Government right ? They had the opinion of the law officers of the Crown, but look at the law. It is too late in the session now to take up the question, for it embraces questions of public law, of international law, and the relations of a dependent colony to the parent state. We are not prepared (sic) to discuss these questions now, and therefore press not this motion, but give us time to consider the subject for another occasion.¹⁴

Mr. Harrison hoped the motion would be withdrawn. He had always doubted that the Upper Canada law on this subject was unconstitutional (sic), but since it was law, it had to be obeyed. The treaty just entered into with the United States will put this question on a proper footing. This case was examined by the law officers of the crown in England, and they had approved of the proceedings. The law of Upper Canada authorized the surrender,

and the evidence was clear and decisive, Hackett was guilty of a larceny, and that not to assist his flight, for he had stolen a watch; and as long as the law existed the Executive had no option but to fulfil it, whatever they might think of its constitutionality.¹⁵

Mr. Johnston observed, that there was not sufficient information now before the house to proceed with the debate. There was information suppressed, and if the motion was postponed till next session, it could be much better developed and more regularly brought before the country.¹⁶

Sir Allan MacNab was at a loss to know how they intended to proceed in this. It was a public question, and every thing connected with it ought to come before the country.¹⁷ ((He)) did not think government had a right to give up the man. The case had excited the province.¹⁸

Mr. Black hoped the consideration of this subject would be postponed, as it is a difficult case, involving the gravest questions of international law, and the dependence of a colony on the parent state. No practical result could follow the motion.¹⁹

Mr. Draper explained the reasons on which the government had acted; referred to a former case; and said besides other difficulties, it was a question whether a human being from a country where he is accounted a chattel, could be held capable of committing a crime. (Hear, hear.)²⁰

Mr. Boulton could not think of holding a slave responsible for what he does where he is by law deprived of all moral instruction and all right of voluntary action. — He could not hold such creatures amenable. In the language of one of America's greatest men, John Quincy Adams, can cattle commit crime? Can goods and chattels transgress moral law? In some of the states persons are liable to punishment for teaching the slaves, and we are to hold them accountable for what they are not permitted to know! A strong expression of opinion in this house will render the government very chary in exercising the power given them by a law of doubtful authority. A very painful case occurred at Niagara, in which a man was killed, and the negro escaped, and he was glad that the man had escaped. Hackett was charged with felony but he denied that he had committed felony. As was observed on the Creole case, it was strange that cattle could be pirates and robbers. Government should not give up any man who had been a slave no matter what was charged on him. Are we certain or can we hope that he will receive a fair trial, and not be tied to a tree, and burned or flogged to death?²¹

Dr. Dunlop said, as the sense of the House appeared to be against him, he would of course withdraw his motion.²²

Footnotes — 8 October 1842.

1. In their petition the reporters prayed "for *elbow-room*" in the crowded Assembly Chamber: MONTREAL GAZETTE, 11 October 1842.

2. The ensuing remarks were reported by: BRITISH COLONIST, 19 October 1842; and EXAMINER, 19 October 1842.

3. BRITISH COLONIST, 19 October 1842.

4. EXAMINER, 19 October 1842.

5. This debate was reported by: EXAMINER, 19 October 1842; MONTREAL GAZETTE, 11 October 1842; and BRITISH COLONIST, 19 October 1842.

6. BRITISH COLONIST, 19 October 1842.

7. IBID.

8. IBID.

9. MONTREAL GAZETTE, 11 October 1842.

10. IBID.

11. IBID.

12. The debate on this motion was reported by: BRITISH COLONIST, 19 October 1842; MONTREAL GAZETTE, 11 October 1842; EXAMINER, 19 October 1842; and MONTREAL TRANSCRIPT, 13 October 1842.

13. EXAMINER, 19 October 1842. In the EXAMINER's report of this debate, Hackett's name is sometimes spelled with one "t", sometimes with two. Rather than following each single "t" Hackett with a (sic), we copy the spelling as found in the text, and allow this note to explain the discrepancy.

14. EXAMINER, 19 October 1842.

15. IBID.

16. BRITISH COLONIST, 19 October 1842.

17. IBID.

18. EXAMINER, 19 October 1842.

19. IBID.

20. IBID.

21. IBID.

22. BRITISH COLONIST, 19 October 1842.

Monday, 10 October 1842.

(118)

Gore Bank.

Mr. Speaker laid before the House, a general Statement of the affairs of the *Gore* Bank, received in conformity to an order of the House of the seventeenth ultimo.

[For the said Statement, see Appendix (R.) at the end of this Volume.]

Statements from
Municipal
Districts.

Mr. Speaker also laid before the House, Statements received from the Wardens of the Municipal Districts of *Beauharnois* and *St. Johns*, pursuant to the 43rd Section of the Ordinance *4 Victoria*, Cap. 4.

[For the said Statements, see Appendix (Y.) at the end of this Volume.]

1 Petition
bro't. up.

The following Petition was brought up, and laid on the table :
By Mr. *Foster*, the Petition of *E. P. Gilman*, and others, of the township of *Brome*.

Pursuant to the order of the day, the following Petitions were read :

W. Owston.

Of *William Owston*, of *Hamilton*, Keeper of *Gull Island* Light House, praying for an increase of salary.

Mayor &c.
Toronto.

Of the Mayor, Aldermen and Commonalty, of the city of *Toronto*, praying for certain amendments to the Act incorporating the city of *Toronto Gas Light and Water Company*.

J. Montgomery,
and others.

Of *John Montgomery*, and others, of the township of *Roxborough*, complaining that they have not been paid for work performed by them on the faith of Commissioners appointed by Law, and praying relief.

H. Hunter, and
others.

Of *Hamilton Hunter*, and others, Reporters in attendance upon the House, praying for better accommodation to enable them to take the debates.

Casual and
Territorial
Revenue.

On motion of Mr. *Merritt*, seconded by Mr. *Thompson*,
Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, at the opening of the ensuing Session, the statement relative to the receipts and expenditure of the Casual and Territorial Revenue of the late Provinces of *Upper* and *Lower Canada*, prayed for by an Address of this House of the seventeenth August, 1841.

Marriage Licenses
and Fees.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Merritt*, seconded by Mr. *Roblin*,
Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, at the commencement of the ensuing Session, a Return of Marriage Licenses, and all fees received in any Department or Public Office, since the Union, to whom paid, and for what purpose appropriated.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Tabular Statement
of Moneys collected
and expended by
Departments,
&c. &c. &c.

Mr. *Merritt* moved, seconded by Mr. *Sherwood*, That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, in the manner hereinafter directed, a Report containing the following tabular statements, viz :

1st. The total amount of revenue collected and expended within the Province, including all fees and perquisites of every description, received in any department of the public service, and the disbursements on account of the same.

2nd. The total amount of the receipts and expenditure in the Land Granting Department, including all fees received, and every other description of income derived from this source ; together with the amount expended for salaries, including all agencies and contingencies, to whomsoever paid, and for what purpose.

3rd. The total amount of the receipts and expenditure of the Woods and Forests, or Casual Revenue, shewing the gross amount received from timber rents, fines, and every other description of income derived from this source ; also, amount of salaries, contingencies, and every other expenditure connected therewith.

4th. The amount of duties collected from Imports, shewing the gross amount received, with the expenses of collecting the same ; together with all other charges at each separate Port, to shew the nett amount received thereof.

5th. The amount of Internal Duties collected, shewing the several sources from which they are received, and the authority for collecting the same, with the expenses or charges thereon.

6th. The amount of expenditures on behalf of the various Departments of the Provincial Government, under distinct heads, viz : the Executive Council, the Secretaries Departments, the Receiver-General, the Inspector-General, &c. &c. Also, the charges for Pensions, with the name of the Pensioner, the service rendered, and the amount of Pension, with the authority for the payment of the same.

7th. Statement of the gross amount of receipts and expenditure on account of Emigration, shewing to whom paid, and for what purpose.

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8th. Statement shewing gross amount of receipts for fees, &c. in the administration of Justice, the amount paid, to whom, and for what purposes, including contingencies, and every other expense connected therewith.

9th. A Return of the District Assessments, from the several Clerks of the Peace throughout the Province, and of the application thereof.

10th. A Return of the various funds appropriated for Education, shewing amount of land sold, the proceeds thereof, under what control, and how invested ; including the various Colleges as well as Common Schools.

11th. The amount of the Clergy Fund, where invested, and at what rate of interest.

12th. The amount of Indian Funds, where invested, and at what rate of interest.

13th. The total amount of tolls collected on each Public Work, the expenses of collecting the same, and the nett amount paid in to the Receiver-General.

14th. A statistical view of the commerce of *Canada*, exhibiting the value of Imports from, and Exports to, *Great Britain*, and each foreign country.

15th. The tonnage of British, Canadian, and foreign, vessels, arriving from, and departing to, each foreign country, from the respective Provincial Custom Houses.

16th. Total amount received by the Provincial Post Office Department, the expenses charged upon the same for collection, and the nett amount remitted to *England* ; also, any other information necessary

to present the total amount of the resources of the Province, from each separate, and the mode of applying the same.

The whole to be in *Canada* Currency, and to be made up to the thirty-first of December in each and every year, and to be presented to the House printed, in pamphlet form, within ten days after the opening of every Session of the Provincial Legislature.¹

Mr. Hincks thought such a great change in the mode of rendering the public accounts should not be adopted hastily.² The Inspector General expressed his perfect willingness to prepare the accounts in whatever way the house might determine, but could not alter the present plea in order to meet the views of individual members.³

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Ordered — That the consideration of the said motion be postponed, until to-morrow.

Mr. Speaker communicated to the House the following letter :
Chief Secretary's Office,
10th October, 1842.

Sir,

Intimation of
Prorogation.

I am commanded by the Governor-General to inform you, that it is His Excellency's intention, should the state of the public business allow it, to prorogue the Provincial Legislature on Wednesday next, the 12th instant, at one o'clock.

I have the honour to be,
Sir,

Your most obedient,
Humble servant,
Rawson W. Rawson,
Chief Secretary.

The Hon. the Speaker,
Of the House of Assembly.

Seizures.

On motion of Mr. *Dunscomb*, seconded by Mr. *Merritt*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, a Return of all seizures of goods illegally imported into this Province within the last three years, shewing the names of the parties making the said seizures, and the time, place, and circumstances, under which they have been made.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Mr. Simpson⁴ wished to know, if the Ministry intended to accede to the request of the Commissioners of Inquiry into the Feudal Tenure: if not, he would move for leave to bring in a Bill to give them the powers required, as appears by their Report made to this House.⁵

Mr. Harrison stated, that the desire of the Commissioners was to obtain a power to examine the papers of Notaries, &c., who were the receptacles of the most important information on the subject.⁶ ((He)) said, it was not the intention of Government to take up the subject without much more serious consideration than could be devoted to it at this late period of the session.⁷

Mr. Moffatt thought they should be prepared to give the required powers, or stay the inquiry, which was now inactive, at great expense.⁸

Mr. Viger did not know, and could not find out, what the Commissioners required.⁹

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Seigneurial
tenure.

Mr. *Simpson* moved, seconded by Mr. *Child*, for leave to bring in a Bill to confer certain necessary powers on the Commissioners of Seigniorial Tenure Inquiry.

Mr. Simpson said, the commissioners had not at present sufficient powers to make the necessary inquiry. They wanted no more than any committee appointed by the house, to send for persons, papers and records. The people of Lower Canada had no security in the purchasing of land. There were instances occurring every day where men had paid over and over again, and the Seignor came down upon them and turned them out of their possessions and they had no law to refer to. The country looked for this as a measure of justice.¹⁰

Mr. Dunscomb was not prepared to vote for this inquisitorial power; he would, however, ask from the Ministry an explanation of their intention.¹¹

Capt. Steele opposed the motion, as it would give the Commissioners a power over private deeds and papers relative to property, that might be perhaps, most improperly exercised.¹²

Mr. Johnston supported the motion. He said that a most improper system of things was in existence in Canada at present relative to the Feudal Tenure. There was no security whatever for any purchasing lands. He had known many persons (sic) who came out, purchased and paid for their land to be deprived of it by the Seignors.¹³

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Armstrong, Boutilier, Cartwright, Chesley, Child, Cook, De Witt, Draper, Dunlop, Dunscomb, Durand, Forbes, Foster, Hamilton, Johnston, Jones, Sir Allan N. MacNab, McLean, Moffatt, Moore, Powell, Simpson, Harmannus Smith, Sherwood, Turcotte, and Williams. (26.)

NAYS.

Barthe, Berthelot, Black, Boswell, Cameron, Christie, Derbyshire, Dunn, Gilchrist, Harrison, Hincks, Hopkins, Kimber, Leslie, D. McDonald, Merritt, Neilson, Noel, Papineau, Parent, Parke, Roblin, Steele, Taché, Taschereau, Turgeon, D. B. Viger and L. M. Viger. (28.)

So it passed in the negative.

On motion of Mr. *Black*, seconded by the Honourable Mr. *Neilson*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, within ten days after the opening of the next Session of the Provincial Parliament, detailed accounts of all moneys received and expended by the Trustees of the *Quebec Turnpike Roads*, under the authority of the Ordinance to provide for the improvement of the Roads in the neighbourhood of, and leading to the city of *Quebec*, and to raise a fund for that purpose; and also, detailed reports of all the doings and proceedings of the said Trustess, under the said authority.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. *Black*, seconded by the Honourable Mr. *Neilson*,

Resolved — That an humble Address be presented to His Excellency, the Governor-General, praying that His Excellency will be pleased to cause to be laid before this House, within ten days after the opening of the next Session of the Provincial Parliament, detailed accounts of all moneys received and expended by the Trustees of the *Montreal Turnpike Roads*, under the authority of the Ordinances to provide for the improvement of the Roads in the neighborhood of, and leading to the city of *Montreal*, and to raise a fund for that purpose; and also, detailed reports of all the doings and proceedings of the said Trustees under the said authority.

Ordered — That the said Address be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Quebec Turnpike Roads.

Montreal Turnpike Roads.

Canada Fire
Assurance
Company.

Rules, Court of
Queen's Bench.

On motion of Mr. *Black*, seconded by the Honourable Mr. *Neilson*,
Ordered — That the Clerk of this House be directed to require from the President, Vice-President, and Directors, of the *Canada Fire Assurance Company*, within ten days after the opening of the next Session of the Provincial Parliament, lists of the names of all and each of the Stock-holders who may then hold Shares in the Stock of the said Corporation, and a statement or account of the assets and liabilities of the said Corporation, pursuant to the provisions of the Statute incorporating the said Company.

The Honourable Mr. *Draper* moved, seconded by Mr. *Boswell*, That the engrossed Bill from the Legislative Council, intituled, "An "Act to confirm certain Rules, Orders and Regulations, made by the

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"Chief Justice and Judges of Her Majesty's Court of Queen's Bench, "for *Canada West*," be now read a third time.¹⁴

Mr. Johnston strongly opposed the bill. He hoped all members not lawyers would oppose it. He knew that all who were would not, as they knew it was a measure for their own aggrandizement.¹⁵

Dr. Dunlop also opposed the motion; he said that the house had not time to consider the merits of the bill. The Doctor said, he viewed any bill coming from a lawyer very suspiciously, and amused the house with an anecdote, showing the powers of the lawyers of this court, and how dangerous would be any increase of such powers. — When he was Chairman of the Quarter Sessions at Toronto, a case came before him of a suit for £30, to which a sum of £7 10s. was added for law expenses. The suit was brought by a man from Montreal, and was for a sum of money due the suitor for work done in his capacity of common hangman. It was for an execution committed on the body of a culprit sentenced to be hanged, the hangman came from Montreal, for, he said, there was no such disreputable character to be found nearer to Toronto; the executioner had therefore to be sent for; but it was in suing for his money that the powers of law were so beautifully and peremptorily exhibited.¹⁶

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Mr. *Dunlop* moved, seconded by Mr. *Johnston*, that the consideration of the said motion be postponed.

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The question being then put on the main motion, the House divided thereon, and the names being called for, they were taken down as followeth :

YEAS.

Armstrong, Barthe, Berthelot, Black, Boswell, Boutillier, Cameron, Cartwright, Daly, Derbshire, Draper, Dunscomb, Durand, Forbes, Foster, Gilchrist, Harrison, Hincks, Jones, Kimber, Leslie, McLean, Moffatt, Moore, Morris, Parent, Parke, Powell, Roblin, Simpson, Harmannus Smith, Sherwood, Steele, Taché, Taschereau, Turcotte, Turgeon, D. B. Viger, and L. M. Viger. (39.)

NAYS.

Chesley, Child, Christie, Cook, DeWitt, Dunlop, Hamilton, Hopkins, Johnston, D. McDonald, Noel, Papineau, Thompson and Williams. (14.)

So it was carried in the affirmative.

The said Bill was accordingly read, for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Draper* do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath passed the same, without any amendment.

Bastard Sugar,
duty on.

The Honourable Mr. *Moffat* moved, seconded by Mr. *Cartwright*, That an humble Address be presented to His Excellency, the Gov-

ernor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of any correspondence, or communication made by Her Majesty's Government to the Provincial Executive, relative to the duty to be collected on Bastard Sugar, under the Provincial Act of last Session 4 & 5 Vic. cap. 14.¹⁷

Mr. Harrison opposed ; he said it would be exceedingly inconvenient to grant the motion. — It was at present the subject of a correspondence of the Government, and he feared it would be prejudicial to the question at issue, to lay that correspondence before (sic) the house at present.¹⁸

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth :

YEAS.

Black, Cartwright, Chesley, De Witt, Dunlop, Dunscomb, Forbes, Hamilton, Jones, Leslie, Sir Allan N. MacNab, J. S. McDonald, McLean, Merritt, Moffatt, Moore, Morris, Simpson, Harmannus Smith, Sherwood, and Thompson. (21.)

NAYS.

Armstrong, Barthe, Berthelot, Boswell, Boutillier, Cameron, Child, Christie, Cook, Daly, Gilchrist, Harrison, Hincks, Hopkins, Kimber Neilson, Noel, Papineau, Parke, Powell, Roblin, Henry Smith, Taché, Turgeon, D. B. Viger, and L. M. Viger. (26.)

So it passed in the negative.

On motion of the Honourable Mr. Draper, seconded by Mr. J. S. Macdonald,

Resolved — That this House do now resolve itself into a Committee of the whole House, to consider the expediency of amending the Act of last Session, intituled, "An Act to repeal the laws now in force in that part of this Province formerly Upper Canada, for the recovery of small debts, and to make other provision therefor;" as to the number of divisions; the payments of the Clerks by salaries, substituting fees instead thereof; the examination of the accounts of such Clerks; extending the power of defendants to set off debts; enabling plaintiffs, under certain restrictions, to give their own evidence of the items of their accounts; altering the schedule of fees; and making provision for suits against Bailiffs and Clerks of such Courts.

The House, accordingly, resolved itself into the said Committee.

Mr. Armstrong took the chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Armstrong reported that the Committee had come to a Resolution ; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That it is expedient to amend the Act of last Session, intituled, "An Act to repeal the law now in force in that part of the Province formerly Upper Canada, for the recovery of small debts, and to make other provision therefor;" as to the number of divisions; the payment of the Clerks by salaries, substituting fees in lieu thereof; the examination of the accounts of such Clerks; extending the power of defendants to set off debts; enabling plaintiffs, under certain restrictions, to give their own evidence of the items of their account; altering the schedule of fees; and making provision for suits against Bailiffs and Clerks of such Courts.

Ordered — That the Honourable Mr. Draper have leave to bring in a Bill to amend an Act passed in the fourth and fifth years of the reign of Her Majesty, intituled, "An Act to repeal the laws now in force in that part of this Province formerly Upper Canada, for the recovery of small debts, and to make other provisions therefor."

Act for recovery
of small Debts.

Act for recovery
of small Debts.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, to-morrow.

Freedom of
Elections.

The Honourable Mr. *Harrison* moved, seconded by the Honourable Mr. *Hincks*, for leave to bring in a Bill to remove doubts as to the application of the Act for providing for the freedom of Elections, to certain Elections held under Writs issued during the present Session.²⁰

Mr. Harrison moved for leave to bring in a Bill to secure the elections. 2nd reading (sic) of York and Portn((e)uf, from falling under the provisions of the Election Law, passed this session, and produced his bill, already printed.²¹ He threw himself on the indulgence of the house for the passing of this bill. There were elections pending, and some writs issued for others, which would be facilitated by the passing of such a bill, and he hoped it would not be opposed.²¹

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Sir *Allan N. MacNab* moved, in amendment, seconded by Mr. *Cartwright*, That all the words after "moved" in the said motion be struck out, and the following substituted, "That the Clerk of this "House be directed to enquire and report to this House by what "authority the said Bill was printed."

Sir Allan MacNab desired to know on whose responsibility it was printed and presented; he thought the House had not vested the power of ordering a Bill to be printed in any individual Member; it was generally done after the second reading; he also opposed the hurried manner adopted in its passing, having been read a first, second and third time this day. It would appear that the majority have every thing their own way, and being under the sway of Messrs. *Harrison*, *Hincks & Co.*, their sanction simply requires to be obtained, and any measure, however important, is adopted, without the slightest attention to the minority, who should at least be entitled to some respect, as representing an immense number of the inhabitants of this Province.²²

Mr. Cartwright supported the amendment. He said it was a bill brought in for unjust and partial objects. Honourable members might think what they pleased about it, but he could tell them that whether it was carried or not, they had not heard the last of it.²³

Several members supported the principle of the bill, though they condemned the hasty manner in which it was brought forward.²⁴

Mr. J. S. Macdonald said, he perceived by an extract from the Journals of the house, under date of 17th March, 1831, that Sir *Allan MacNab* brought in a bill, which was read a first, second, and third time the same day, sent up to the Legislative Council, where it went through the same process, and finally received the Royal assent, — for a loan of £2500.²⁵

Sir Allan MacNab contended that it was not even-hand justice to the country to hold over the writ for the second riding of York until it suited the purpose of ministers; it would do the government no good throughout the province to act in such a partial manner: but he was pleased at it rather than anything else.²⁶

Mr. Roblin could see no injustice whatever in the bill just brought in. In his opinion the bill was much wanting, and there was no reason why it should not pass without delay.²⁷

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The question having been put on the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, it was agreed to by the House, and

Ordered — accordingly.

The said Bill was then received, and read for the first time.

Ordered — That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

Ordered — That the said Bill be engrossed.

An engrossed Bill to remove doubts as to the application of the Act for providing for the freedom of Elections, to certain Elections held under Writs issued during the present Session, was read for the third time.

Resolved — That the Bill do pass.

Ordered — That the Honourable Mr. *Harrison* do carry the said Bill to the Legislative Council, and desire their concurrence.

The Honourable *S. B. Harrison*, one of Her Majesty's Executive Council, delivered to Mr. Speaker three Messages from His Excellency, the Governor-General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth :—

Charles Bagot.

Church Temporalities.
The Governor-General, in compliance with the Address of the House of Assembly, will transmit, without delay, to the Secretary of State, a Bill which has been passed by the Legislature during the present Session, intituled, "An Act to make provision for the "management of the Temporalities of the United Church of *England*

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"and *Ireland*, in the Diocese of *Quebec*, in this Province," in order that the same may be laid before Parliament, in compliance with the Act of Union, previous to the signification of Her Majesty's assent thereto.

Government House,

Kingston, 10th October, 1842.

R. F. Gourlay.

Charles Bagot.

The Governor-General informs the House of Assembly, that in consideration of the losses and misfortunes of *Robert F. Gourlay*, Esquire, as set forth in his Petition to the House, and recommended by them for remuneration, in their Address of the 6th instant, he has directed that the sum of £50 be granted annually to the said *Robert F. Gourlay*, during his natural life.

Government House

Kingston, 10th October, 1842.

Charles Bagot.

Emigration.
The Governor-General transmits, for the information of the House of Assembly, a copy of a Despatch which he has received from the Secretary of State, relative to the scheme for promoting Emigration from the United Kingdom to this Province, proposed by his predecessor to the late Governor-General, in his Lordship's Despatch of the third May, 1841.

Government House,

Kingston, 10th October, 1842.

(Copy.)

No. 62.

Downing Street,
3rd February, 1842.

Sir,

I have to acknowledge the receipt of Sir *Richard Jackson's* Despatch, No. 5, of the 27th September, containing the report which Lord *John Russell* had called for, as to the sum for which it would be proper that application should be made to Parliament for the service of Emigration in *Canada*, during the year commencing on the first of next April.

I have been led, by the importance of this subject, to inquire very minutely into the manner of carrying out the scheme which Lord *John Russell* contemplated in his Despatch to Lord *Sydenham* of the 3rd of last May, and the result of that inquiry has served to con-

vince me, that there are difficulties which practically interfere with the execution of Lord *John Russell's* plan.

I will now explain to you the nature of those difficulties, and announce to you the conclusion of Her Majesty's Government upon the subject.

The plan suggested by Lord *John Russell* appears to have consisted in the removal of the Legislative enactment imposing a capitation tax on Emigrants, from the proceeds of which tax a fund was to be established, applicable to the wants of destitute Emigrants upon their arrival in the Province. The contemplated grant from the British Treasury was to have relieved certain Emigrants from the payment of the Provincial tax, but only in these cases in which the fitness of the Emigrants for Emigration had been previously attested by an authorised Agent in this country. The difficulties attending this system of attestation are found on examination to be almost insuperable, except by incurring a very considerable expense to the public, and causing trouble to the Emigrants. The persons who go to the North American Provinces are not dependent on Government, nor is there any reason why they should report themselves beforehand to any officer of the Government. They are simply British Subjects, removing from one part of Her Majesty's dominions to another, whose arrangement is not possible to control by any regulations at the place of embarkation. As the Emigrants go on board on the earliest day they can after they reach the port, it would be impracticable for any officer to make proper and sufficient enquiries into the character and circumstances of the people, and to wait for their replies; and yet if the Government professed to grant exemptions and indulgencies, persons who were entitled in other respects to the relief, would feel aggrieved if it were denied for want of opportunities of investigation. Neither could this be met by a system of requiring them to come provided with testimonials from their own neighborhood, for independently of the difficulty of effectually notifying such a demand before-hand to poor Emigrants throughout the United Kingdom, it is well known that documents of that kind require much investigation.

Again, the system of establishing local Agents throughout the country, for the purpose of enquiring into the characters of intending Emigrants, is found to be wholly impracticable, by reason of the expense; and under any circumstances the enquiry could not be rigid, when so small a benefit was to be incurred.

I have thus described the practical difficulty to which, in this country, the plan of Her Majesty's late Government, in respect to Emigration to *Canada*, is liable in its exemption, because it is necessary that the reasons which oblige Her Majesty's Government to relinquish that plan should be fully explained to the Provincial Legislature.

Instead of the original scheme, it is now proposed, subject to the consent of Parliament to the vote, that the sum of £5,000, which is the amount represented by Sir *Richard Jackson* to be sufficient for this service during the year 1842, should be paid over to the Provincial Treasury, to be expended under your authority, and under such checks and rules as the Legislature may have established. You will bear carefully in mind that this fund must be strictly and rigidly administered; that the Emigrant is not to be entitled to relief out of it, unless he shall come under the description of a destitute Emigrant; and lastly, that the amount granted by Parliament shall not be exceeded.

I have, &c.
(Signed)

Stanley.

To the Right Honourable,
Sir *Charles Bagot*, G. C. B.
&c. &c. &c.

Supply,
Maj. Richardson,
and Mr. Cremazie.

On motion of the Honourable Mr. *Hincks*, seconded by the Honourable Mr. *Harrison*,

Ordered — That the item on the order of the day book, for the House in Committee on Supply, and on the Message of His Excellency, the Governor-General, relating to Major *John Richardson* and *James Crémazie*, Esquire, laid before the House on Saturday the eighth instant, be now read.

The order of the day, for the House in Committee of Supply, and on the Message of His Excellency, the Governor-General, relating to Major *John Richardson*, and *James Crémazie*, Esquire, laid before the House on Saturday the eighth instant, being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *Leslie* took the chair of the Committee ; and after some time spent therein,²⁸

In Committee of supply a grant of £250 was passed for Major Richardson's history of the late war, and also £250 for a work on the criminal law of England as applied to Canada, published in Lower Canada.²⁹

On the former grant, Mr. **Durand** moved that Major Richardson furnish 4000 copies of his work, half English and half French, as he thought they ought to have some equivalent for their money.³⁰

His motion was negative, and the grant passed³¹.

Mr. **Neilson** ((said)) that the Committee was setting a bad precedent.³²

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Mr. Speaker resumed the Chair,

And Mr. *Leslie* reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same ; and also, that he was directed by the Committee to move for leave to sit again.

Ordered — That the Report be received, to-morrow.

Ordered — That the said Committee have leave to sit again, to-morrow.

Contingent
accounts.

Mr. *Forbes*, from the Committee of the whole House, on the Second Report of the Special Committee on the Contingent Accounts and Expenses of this House, during the present Session ; and on the Report of the Special Committee to which was referred the Petition

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of *William Ross*, and others, and other references, reported, according to order, the Resolutions of the said Committee ; which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth :—

Resolved — That the Clerk of this House be directed to pay to *William Dixon*, *James Voller*, *John Healy*, *Michael McCarthy*, *Augustin Laperrière*, *John Kay*, *Robert Baily*, and *Edmund McCrae*, Messengers of this House, and *Robert Defries*, the Post Office Messenger, the sum of five pounds each, to compensate them for the expenses incurred in travelling to and from the Seat of Government.

Resolved — That there be granted to *James Voller*, Messenger, the sum of ten pounds, Currency, due him for past services.

Resolved — That the sum of sixty pounds, Currency, be granted to *Hugh McLellan*, Door Keeper of this House, in full of all claims and allowances, whatever, for the present year.

A Bill to authorise the Boards of Boundary Line Commissioners within the several Districts of *Canada West*, to close up their proceedings now in progress, was, according to order, read a second time.

Report on
Petition of W. Ross,
and others.

Contingent
accounts.

Boundary Line
Commissioners.

On motion of Mr. *Roblin*, seconded by Mr. *Cook*,
Ordered — That the said Bill be now referred to a Committee of the whole House.

The House, accordingly, resolved itself into the said Committee. Mr. *Johnston* took the chair of the Committee;³³

((There was)) some discussion.... It was stated that the costs in some of the cases decided by these commissioners had been £100 and upward. In one case one lot had 60 acres and the next 340, instead of 200 each.³⁴

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and after some time spent therein,

Mr. Speaker resumed the Chair.

North American Committee of Colonial Society.

The order of the day, for the House in Committee on the Report of the Special Committee, to which was referred the Petition of the North American Committee of the Colonial Society, and other references, being read,

The Honourable Mr. *Hincks* moved, seconded by the Honourable Mr. *Viger*, That the said order of the day be postponed.³⁵

Mr. Hincks opposed the introduction of the report. He said that the papers in the report embodied so much that was important, that he, and he was sure other members also, were quite unable to give the matter proper attention; he therefore hoped that it would be postponed.³⁶

The postponement ... was opposed by **Messrs. ... Moffatt**, ((and)) **Johnston**.³⁷

Mr. Merritt was surprised at the opposition of Mr. Hincks; it was unjust and unfair; he hoped that the report would be heard and rejected fairly if at all. He considered it by far the most important of all the measures brought forward during the session, and he trusted that members would not be sent home to their constituents without doing something in the matter. He would not give twopence for all the business that has been done this session, exclusive of the measure contained in this report.³⁸

Doctor Dunlop gave ministers credit for getting cautious at last; when they wanted the 3s. duty put on, they would allow nobody to talk; but now when a measure that is in some degree nauseous to their stomachs is proposed, they must have plenty of time to consider and calculate. As to the protection on the wheat, which they gave the country, he, as an Upper Canadian farmer, desired the paltry fourpence a bushel; and, in the name of every Upper Canadian farmer in the province, he pitched their protection to _____, he would not say where.³⁹

Sir Allan MacNab said the treatment given to this bill was that the minority generally experienced at the hands of the majority in that house. Mr. Merritt, the chairman of the committee, deserved such treatment, and he was almost glad that the treasury bench had acted so for the support which he had given early in the session. It was rather a hard case, that the report which nine members of the house had been occupied in since the commencement of the Session, would not be even listened to.⁴⁰

Mr. Harrison said the simple object of postponement was to get the report duly considered; it should be printed and placed in the hands of every member of that house, containing, as it did, such valuable matter. He did not consider that there was anything objectionable in the principle of the bill about to be brought forward, but from the recent measures and present position of the affairs of the country, it hardly warranted the house in pledging themselves in making a general change in the duties on everything coming into the country from England.⁴¹

Mr. Boswell supported the postponement of the question, and said it was utterly impossible that the house could come to a proper conclusion on the subject at such a late period of the session.⁴²

Mr. Hincks said he would have no objection to the report of the committee, together with the papers brought before them, being inserted on the books along with the motion for postponement.⁴³

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Armstrong, Berthelot, Boswell, Boutillier, Cameron, Christie, Cook, Derbyshire, Durand, Forbes, Gilchrist, Harrison, Hincks, Hopkins, Killaly, Kimber, Leslie, Moore, Morris, Neilson, Noel, Papineau, Parke, Powell, Roblin, Henry Smith, Taschereau, D. B. Viger, L. M. Viger, and Woods. (30.)

NAYS.

Cartwright, De Witt, Dunlop, Foster, Johnston, Sir Allan N. Mac-Nab, D. McDonald, J. S. Macdonald, McLean, Merritt, Moffatt, Simpson, Harmannus Smith, Sherwood, Thompson, and Williams. (16.)

So it was carried in the affirmative ; and,

Ordered — accordingly,

Ordered — That two hundred and fifty copies of the Report of the Special Committee, to which was referred the Petition of the North American Committee of the Colonial Society, and other references, be printed in each of the English and French languages, for the use of the Members of this House.

Ottawa and
St. Lawrence
navigation.

The order of the day, for the House in Committee on the Report of the Special Committee, appointed to examine and ascertain the most feasible means of removing obstructions in the navigation of the Ottawa and River St. Lawrence, and at the same time to extend their enquiries to all other communications of transport within the Province, being read,

The House, accordingly, resolved itself into the said Committee.

Mr. *De Witt* took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. *De Witt* reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered — That the said Committee have leave to sit again, on Saturday next.

Then on motion of the Honourable Mr. *Viger*, seconded by the Honourable Mr. *Neilson*,

The House adjourned.

Appendix, 10 October 1842.

((Notice of Proposed Motions.))

Mr. Christie⁴⁴ gives notice that he will, at an early period next Session, move the House to resolve itself into Committee of the Whole, to take into consideration the expediency of diminishing the public burthens : — 1st by retrenching all unnecessary offices : — 2nd by a moderate reduction in the several Salaries upon the Civil List, as well as in all other branches of the public Service, to a scale commensurate with the revenue and liabilities of the Province.

AND ALSO,

To take into consideration the expediency of abolishing all perquisites and fees of office, and of connecting the same for fixed allowances on Salaries, and of forming such perquisites and fees of office as it may be deemed expedient to continue, into a fund applicable to the public service.⁴⁵ In introducing this notice he said that members of the house received about £25,000 of public money, and their friends about £25,000 more, besides fees. — The expenditure is discreditible in the Province. The best talents in the United States were employed for the public at one fourth of the sums paid here. One member of the Government, the hon. member for Toronto, had said to him that all salaries should be reduced. They had reduced the salary of their door-keeper from £80 to £50, and he would call upon them to apply the

same rule to the highest officers, and not end their fit of economy by a paltry saving from a door-keeper.⁴⁶

Sir Allan MacNab gave notice that, on to-morrow, he would move that the Clerk be directed to lay before the House, a return of All Addresses to His Excellency remaining unanswered.⁴⁷

((Waived Motion Re : Return on Waste Lands.))

Mr. Merritt ... waived his motion for a return of waste lands, as he had been informed by the Surveyor General that such a return was in progress and would be printed against next session.⁴⁸

((Question and Answer Re : Rebellion Losses.))

Dr. Dunlop⁴⁹ enquired respecting the payment of the war losses⁵⁰.

Mr. Harrison stated ... that the £40,000 granted, was about to be distributed among those who suffered losses during the late rebellion.⁵¹

Footnotes — 10 October 1842.

1. The following remarks were reported by: KINGSTON CHRONICLE, 12 October 1842; and EXAMINER, 19 October 1842.
2. EXAMINER, 19 October 1842.
3. KINGSTON CHRONICLE, 12 October 1842.
4. The ensuing debate was reported by: KINGSTON CHRONICLE, 12 October 1842; EXAMINER, 19 October 1842; BRITISH COLONIST, 19 October 1842; LE CANADIEN, 14 October 1842; and MONTREAL GAZETTE, 13 October 1842.
5. MONTREAL GAZETTE, 13 October 1842.
6. IBID.
7. BRITISH COLONIST, 19 October 1842.
8. MONTREAL GAZETTE, 13 October 1842.
9. IBID.
10. BRITISH COLONIST, 19 October 1842. The MONTREAL GAZETTE, 13 October 1842, described Simpson's speech as "a most forcible appeal to the House."
11. MONTREAL GAZETTE, 13 October 1842.
12. BRITISH COLONIST, 19 October 1842.
13. IBID.
14. The ensuing remarks were reported by: EXAMINER, 19 October 1842; BRITISH COLONIST, 19 October 1842; and MONTREAL GAZETTE, 13 October 1842.
15. BRITISH COLONIST, 19 October 1842
16. IBID.
17. The following remarks were reported by: BRITISH COLONIST, 19 October 1842; and EXAMINER, 19 October 1842.
18. BRITISH COLONIST, 19 October 1842.
19. The ensuing debate was reported by: BRITISH COLONIST, 19 October 1842; MONTREAL GAZETTE, 13 October 1842; EXAMINER, 19 October 1842; and KINGSTON CHRONICLE, 12 October 1842.
20. MONTREAL GAZETTE, 13 October 1842.
21. BRITISH COLONIST, 19 October 1842.
22. MONTREAL GAZETTE, 13 October 1842.
23. BRITISH COLONIST, 19 October 1842.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. The debate on this motion was reported by: EXAMINER, 19 October 1842; and BRITISH COLONIST, 19 October 1842.
29. EXAMINER, 19 October 1842.
30. IBID.
31. IBID.
32. IBID.
33. The debate on this motion was reported by: EXAMINER, 19 October 1842; BRITISH COLONIST, 19 October 1842; and MONTREAL GAZETTE, 13 October 1842.
34. EXAMINER, 19 October 1842.
35. The debate on this motion was reported by: EXAMINER, 19 October 1842; BRITISH COLONIST, 19 October 1842; KINGSTON CHRONICLE, 12 October 1842; and MONTREAL GAZETTE, 13 October 1842.
36. BRITISH COLONIST, 19 October 1842.
37. MONTREAL GAZETTE, 13 October 1842.
38. BRITISH COLONIST, 19 October 1842.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.

44. This notice was reported by : BRITISH COLONIST, 19 October 1842 ; MONTREAL GAZETTE, 13 October 1842 ; KINGSTON CHRONICLE, 12 October 1842 ; EXAMINER, 19 October 1842 ; and LE CANADIEN, 14 October 1842.
45. KINGSTON CHRONICLE, 12 October 1842.
46. EXAMINER, 19 October 1842.
47. MONTREAL GAZETTE, 13 October 1842.
48. EXAMINER, 19 October 1842. However, there is no reference to this motion ever having been presented.
49. This was reported by : MONTREAL GAZETTE, 13 October 1842 ; and EXAMINER, 19 October 1842.
50. EXAMINER, 19 October 1842.
51. MONTREAL GAZETTE, 13 October 1842.

Tuesday, 11 October 1842.¹

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Supply Bill.

Mr. Speaker communicated to the House the Speech he proposed to make upon presenting the Supply Bill to His Excellency, the Governor-General, to-morrow, in the Legislative Council Chamber.

1 Petition
brought up.

The following Petition was brought up, and laid on the table :

By Mr. Foster, the Petition of Mrs. Susan Elkins, widow of the late Moses Elkins.

Report on
printing.

Mr. Morris, from the Standing Committee to superintend the printing of this House during the present Session, with power to report from time to time, presented to the House the second Report of the said Committee ; which was again read at the Clerk's table as followeth :

"That your Committee having, pursuant to notice, received tenders for printing the Journals and Appendices, in the English and French languages, beg leave to inform your Honourable House, that the tenders of Robert Stanton, and E. Barker, were the lowest, the former for the English version, and the latter for the French.

"Your Committee have required the parties to enter into security for the speedy and correct performance of the work ; and pray the assent of your Honourable House to the same."

Ordered — That the said Report be now referred to a Committee of the whole House.

The House, accordingly, resolved itself into the said Committee.

Mr. Price took the chair of the Committee ; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Price reported that the Committee had come to a Resolution ; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth :

Resolved — That this House doth concur in the second Report of the said Standing Committee.

Ordered — That when this House doth adjourn, it will adjourn until to-morrow, at ten o'clock a.m.

The Honourable S. B. Harrison laid before the House, by command of His Excellency, the Governor-General,

Municipal
Districts of
Gaspe and
Bonaventure.

Return to an Address of the House of Assembly to His Excellency, the Governor-General, bearing date the 28th September, 1842, and praying that His Excellency will be pleased to lay before the House copies of such correspondence as may have taken place since 1st June, 1841, relative to the erection of the counties of Bonaventure and Gaspé into Municipal Districts ; and of all communications and papers of a public nature, since the same period, addressed on that subject to the Executive, from either of the said Municipal Districts.

By command,

Secretary's Office, East,
Kingston, 11th October, 1842.

D. Daly,
Secretary.

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Sir,

1.

New Carlisle, 3rd Feb'y, 1842.

I have the honour to acknowledge, by this day's mail, the receipt of your letter of the 5th ultimo, containing instructions for

my guidance in the duties of Warden of the Municipal District of *Bonaventure*; and also of your letter of the 6th of the same month, conveying to me His Excellency's instructions that I should proceed to issue my warrants for holding the first Municipal Elections in my District, at as early a day as I may think it desirable to name, with a view to the public convenience, and that the precise day is not named in the sixth paragraph of the instructions, because His Excellency was of opinion that it would be better left to my discretion than determined at that distance.

I regret the circumstance of its being left to me to name the day for holding the Elections, as I am really at a loss how to construe the second Section of the 4th *Victoria*, Cap. 3, as it appears by that Section that the Elections ought to have taken place on the second Monday of January last, and on the same day of each succeeding year; this also seems the tenor of the seventh paragraph of your instructions.

I have, therefore, thought it more prudent to delay issuing the warrants, until His Excellency's further pleasure be known.

I have the honour to be,

Sir,

Your most obedient, &c.

(Signed) *Jno. R. Hamilton.*

The Honourable *Dom. Daly*,

Pro. Secretary,
&c. &c. &c.

2.

Cross Point, Ristigouche,

18th March, 1842.

Sir,

I have the honour to transmit, for the information of His Excellency, the Governor-General, the enclosed copies of Resolutions adopted at public meetings of Freeholders of the county of *Bonaventure*, held the 13th and 15th instant, at *Carleton* and *New Richmond*.

In forwarding, at the request of those meetings, numerously and respectably attended, as from personal observation I can vouch, the Resolutions unanimously entered into on the occasion, it is my duty to the county wherein I reside, as well as to that which I have the honour to represent, respectfully to state to His Excellency, that, independently of the objections to which, in a constitutional sense, the Ordinance creating Municipal Districts in *Lower Canada*, passed by the late Governor and Special Council thereof, on the eve of its restoration to a more constitutional Legislature, and in anticipation of its rights, is liable, the circumstances and state of this District in particular are, and probably for a century to come will be, wholly unsuited to the Municipal Institutions attempted to be forced upon it; that the Inhabitants are unprepared for, and, happily for themselves, averse universally to the establishment of such, the mere costs whereof would entail upon them taxes heavier than they can bear. Nor, if I may be allowed to submit my own opinion, do the contemplated Municipalities offer any advantages to counterbalance or to be compared to the inconveniences to which their existence would subject the population of the District, who, however industrious and striving, are neither numerous nor wealthy enough to avail themselves of the benefits which such Institutions imply.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) *Robert Christie,*

The Honourable *D. Daly*,

Secretary East.

M. P. P.

At a Public Meeting of Inhabitants of *Carleton*, *Maria* and *Nouvelle*, in the County of *Bonaventure*, held in the Prysbytery, at *Carle-*

ton, 13th March, 1842, to take into consideration the state of the country.

Hypolite Landry, Esquire, in the chair.

Captain *Pierre Thibodeau*, Vice-President.

Mr. *Isidore Malo*, Secretary.

On motion of Mr. *Louis Normandeau*, seconded by Mr. *Peter Day*—

First. *Resolved* — as the opinion of this meeting, that the Ordinance of the Governor and Special Council of the late Province of *Lower Canada*, creating Municipal Districts throughout the extent of that Province, and now in process of being carried into effect, was uncalled for by the people of the Province — tends to increase enormously the patronage and power of the Crown — to impose new and intolerable taxes upon the subject, and to corrupt the representation ; and was, on the part of the Governor and Special Council — appointed by the Crown, and possessing no representative character or authority derived from the people — an abuse of the Legislative powers entrusted to them but for temporary purposes, subversive of the rights and liberties of the people ; and that the inhabitants of this county, so far as constitutionally they can, ought to and will oppose it.

Second. On motion of Mr. *Désiré Saincaeur*, seconded by Mr. *Felix Dugas*, — That the erection of this county, as yet but thinly settled, and in which industry, struggling against the disadvantages incidental to a new country and a rigorous climate, scarcely can secure a subsistence, into a Municipality, is premature, and unsuited to the circumstances and state of the country, and is contrary to the interests and wishes of the entire mass of its inhabitants.

* * * * *

3.

Gaspé, Municipal District,
Percé, 21st March, 1842.

I am sorry to observe, that the Proclamation erecting this county into a Municipal District, is rather unpopular, and it will take much time before the Inhabitants can be made to understand the practical good which must result from the effectual operation of the Municipal Ordinances, which they are anxious to get repealed. The fact is, that any system of rates alarms them ; and I own, that on this fishing coast, the collecting of such, to the extent required, although only to a small amount, will be found costly, nay, to a great extent, impracticable, owing to the absence of a circulating medium, the want of which in the ordinary transactions is scarcely felt, for the whole trade and business that is carried on in this county is almost entirely managed by a continual system of barter. Under the circumstances, then, it is perhaps fortunate that the Elections cannot legally be had before the second Monday of January next, for it is probable that by that time there may be a favourable change of public opinion in the District, as to the advantages which the good working of these Laws is likely to bring about in this extensive, but remote and hitherto much neglected section of the Province.

* * * * *

I have the honour to be, with great respect,
Sir,

Your obedient and humble Servant,
(Signed,) *John Le Boutillier,*
Warden.

4.

Cross Point, Ristigouche,
26th March, 1842.

Sir,

I have the honour to forward you the enclosed petition to His

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Excellency, the Governor-General, from the Inhabitants at *Gaspé* Bay, dated the 4th instant, with a copy of resolutions adopted at a public meeting thereat, held on the 26th February, and which have been despatched hither.

* * * *

With respect to so much of those documents as relates to the Municipal Ordinance, and District Councils, I can but repeat what I have already submitted. They are wholly unsuited to the state of this District — unpopular and universally deprecated by the Inhabitants. It is my bounden duty to submit to His Excellency the views of my constituency on public measures affecting their welfare, and in this matter I have hitherto confined myself to its bearing upon them exclusively, without allusion to its inapplicability to *Lower Canada* generally, and the impolicy of forcing it upon the population contrary to their views. It may not, however, be out of the path of my duty, as one of the representatives of the people, respectfully to submit to His Excellency, that the total and immediate repeal of the Municipal Ordinance is a matter well worthy of his most serious consideration. It is pregnant with evil, and if persisted in, will produce, and in the opinion of the world justify, resistance; and combined with other matters by which the subject in *Canada* justly deems himself aggrieved, lead to a dissolution of the tie connecting this Country with *Great Britain*. England may indeed, for a time, enforce obedience, and the dependence of the Colony, but that connexion will last so long only as *England* will herself be at the expense of maintaining it. A law of such a nature as the Ordinance I allude to, enacted by such a Legislature, at such a time, and under such circumstances, is calculated to rouse the feelings of every man possessing a proper sense of constitutional rights, and it will be worthy of His Excellency's wisdom to quench it at once. I do not imagine that so small a matter as my opinion can have much weight with His Excellency, but it is sincere, and I hope will be received in the spirit in which it is submitted.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed,) _____

Robt. Christie,

M. P. P.

The Honourable

D. Daly,

Secretary, East.

PUBLIC MEETING.

A meeting of the Inhabitants of *Gaspé*, and its vicinity, called by public advertisement, was held at the Basin of *Gaspé*, on Monday, the 28th February last, to take into consideration the necessity and propriety of petitioning His Excellency, Sir *Charles Bagot*, G. C. B. Governor of the Province, and both Houses of the Parliament, against any alteration in the present scale of duties; the necessity of the contemplated introduction and establishment of the Local and Municipal Law; and for other purposes affecting the best interests of all classes of the community. The attendance was very numerous and respectable, and consisted of all classes of the Inhabitants, without any distinction of political opinion or national origin.

Charles Davis, Esquire, was called to the Chair.

Mr. *T. Spencer* was appointed Secretary.

* * * *

Moved by Captain *Wm. Baker*, seconded by Mr. *Richard Ascott*,

1st. Resolved — That the Inhabitants in general of this District are of the labouring class, principally fishermen, altogether depending

on the fruits of their industry for the means of obtaining a maintenance for themselves and families; disappointed frequently in their pursuits by a rigorous climate, and from other causes over which they can have no control, and too often have to pass a long dreary winter without the common necessities of life. Under such circumstances they represent, that a District thinly inhabited by a population of fishermen, the introduction of the Municipal Law, to be extended to this District, is inexpedient, uncalled for, entirely unsuited to our wants, and if carried into effect against the unanimous voice of the people, so far from operating favourably, it would materially discourage and distress its Inhabitants.

* * * *

Moved by Mr. *Richard Annat*, seconded by Mr. *John Lefour*,

3rd. That we are willing to comply with any measure that the Legislature may enact to oversee the opening and repairing of the roads and bridges, and that a Legislative enactment authorising the Inhabitants to appoint their respective Officers to oversee the making and management of our roads and bridges, and to manage every other local measure connected with our numerous interests, would be highly satisfactory to the Inhabitants, and cheerfully complied with, without the necessity of having salaried Officers appointed for such purposes.

Moved by Mr. *Benjamin Coffin*, seconded by Mr. *Luke Gaul*,

4th. That we are convinced that the enactment of any additional tax, and the enforcement of the Local and Municipal Act within this District, would be the readiest method that the Government could adopt to ruin and distress its Inhabitants. The number of Officers that must of necessity be appointed to carry the Local and Municipal Law in force, the amount of their salaries, to be annually drawn from the pockets of the labouring and industrious people, would be a grievous and intolerable burthen, without any benefit arising to the Inhabitants therefrom. The sums of money that would be required for the aforesaid purposes, would, if judiciously expended under the superintendence of persons annually chosen by the Inhabitants of each township, or village, as heretofore, and serving without fee or reward, nearly accomplish whatever local improvement might be wanting.

* * * *

5.

Cross Point, Ristigouche,
9th April, 1842.

Sir,

I have the honour to transmit, for His Excellency's information, the enclosed copy of resolutions, adopted at a large meeting of Freeholders residing on this River, held the 31st ult. The public opinion in this quarter, with respect to the Municipal Ordinance, is now fully expressed, and my previous letters on this subject convey all that I have to submit on that score to His Excellency.

* * * *

I have the honour to be,

Sir,

Your most obedient servant,

Robt. Christie,

M. P. P.

The Honourable

D. Daly,

Secretary, East.

At a very numerous meeting of the Freeholders and Inhabitants of the townships of *Man*, *Ristigouche* and *Matapedia*, held, pursuant to notice, at the house of Mr. *Norman McLeod*, *Flat Lands*, on

Thursday, the 31st March, 1842, to take into consideration the state of the District, &c.

Peter Sutherland, Esquire, in the chair.

Thos. Busteed, Esquire, Vice-President.

Mr. Norman McLeod, Secretary.

The Chairman having explained the object of the meeting, the

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following Resolutions being brought forward, after having been moved and seconded, were unanimously adopted :

First. *Resolved* — As the opinion of this meeting, that the Municipal Ordinance, about to be introduced into the District, is not calculated to benefit its Inhabitants, and ought not to be forced on them without the concurrence of a majority of the Freeholders; and that if the said Ordinance go into operation, it will entail on its Inhabitants consequences most ruinous, and that the said Ordinance being wholly objectionable, ought to be repealed.

* * * *

6.

New Richmond, 9th June, 1842.

Sir,

As Chairman of a meeting at *New Carlisle*, of the Councillors for the District of *Bonaventure*, I beg to transmit you, in accordance with the sixth Resolution, certain Resolutions passed by the Councillors, for His Excellency, the Governor-General's, information.

I have the honour to be,

Sir,

Your obedient, humble servant,

William Cuthbert.

The Honourable *D. Daly*,
Secretary East,
Kingston.

Proceedings of the District Council of *Bonaventure*,
7th June, 1842.

William Cuthbert, Esquire, in the Chair.

Resolved — as the opinion of the District Councillors attending this meeting,

1st. That the erection of the county of *Bonaventure* into a Municipal District, is contrary to the wishes and interests of its Inhabitants, whose state and circumstances are unsuited to the proposed Institutions.

2nd. That the Municipal Ordinance, and the Ordinance for the Election of Parish and Township Officers connected with it, passed by the late Governor and Special Council, in which the people of the Province were unrepresented, impose taxes, and create new and unnecessary Offices, burdensome upon the public, without any corresponding benefits arising therefrom.

3rd. That the powers professed to be given by those Ordinances, viz : local taxation for local improvements, by a Legislature which itself had not, nor Constitutionally could have, (consistently with the British Constitution,) those powers, is an additional grievance to those the people of *Lower Canada* sustain by the Union Act, forcibly disposing of our entire revenue in payment of the public debt of *Upper Canada*.

4th. That supposing the Ordinances to be Constitutional, the Executive Government has not itself, in some instances, observed them ; nor have the Elections of District Councillors that have taken place been held according to them ; and which Elections, therefore, if not illegal, are at best questionable.

5th. That viewing, in common with our constituency, the Municipal Ordinance in this light, it would not be consistent to proceed to business

under it ; that at the desire of our constituents, and in justice to them and to ourselves, we have met but to record the views entertained of those Ordinances with their wishes.

Adjourn sine die.

6th. That a copy of the above Resolutions be forwarded to His Excellency, the Governor-General, by *William Cuthbert*, Esquire ; and that it be recommended to the Inhabitants to join without delay in the Petitions actually in progress to the Legislature for the repeal of those and other Ordinances of the late Governor and Special Council of *Lower Canada*.

William Cuthbert,
Chairman.

Municipal
Districts of
Gaspé and
Bonaventure.

Sir,

Municipal District of *Gaspé*,
Percé, 20th June, 1842.

* * * *

In reporting upon the labours of the first Session of the Council, I shall probably best discharge that duty by transmitting to you, as I now do, a copy of its Journal, for the information of His Excellency ; in doing which, I beg to observe, that the Council having met at a most busy period of the season, when the presence of the gentlemen that have been elected is required for the successful prosecution of the Fisheries, wherein they are all more or less deeply engaged, they manifested the greatest impatience for the early adjournment of the Session which has been had ; and that I apprehend the September Session will, for the same cause, be hurried through in the like manner.

I have the honour to be,

With great respect,

Sir,

Your obedient, humble servant,

John Le Boutillier,
Warden, D. C.

The Honourable *D. Daly*,
Secretary East,
Kingston.

8.

House of Assembly,
Kingston, 26th September, 1842.

Sir,

I have the honour to transmit you the accompanying Petitions, viz :

* * * *

Also, a Petition of the Inhabitants of *Percé*, and neighborhood, complaining of the Municipal Ordinance, and other grievances ; and finally, a Petition from the Freeholders and Inhabitants of *Bonaventure*, against the said Ordinance ; all which I request you will lay before His Excellency, the Governor-General.

I have the honour to be,

Sir,

Your most obedient servant,

Robert Christie,
M. P. P.

The Honourable *D. Daly*,
Secretary East.

(Copy.)

To His Excellency, Sir *Charles Bagot*, G. C. B. Governor-in-Chief in and over British *North America*, &c. &c. &c.

The humble Petition of the undersigned Inhabitants of *Percé*, and adjacent parts, in the county of *Gaspé*, Humbly sheweth :

That the Inhabitants of this part of the county of *Gaspé* are poor Fishermen, and generally with large families; that the Fisheries in some years are not sufficient to clear their way, and owing to the shortness of the summer season, they have scarce five months to provide for the whole year — Potatoes and Barley being chiefly the produce of the agriculture, and in some years these articles do not come to perfection; that the necessary supplies of Provisions, such as Flour, Pork, Potatoes, &c. are imported from *Europe*, the sister Provinces, and the *United States*, for which your Petitioners pay an exorbitant price.

Your Petitioners, therefore, most humbly pray your Excellency to take this into consideration, and repeal the new Municipal Laws, as refers to the District of *Gaspé*, as lately established, as is morally impossible for the Inhabitants of this District, who are a population of poor Fishermen, to meet its burthen.

The sister Provinces allow the necessary articles for the Fisheries to be imported free of duty; but in this Province the Fisheries have

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Municipal Districts of Gaspé and Bonaventure.
hitherto been taxed two and a half per cent duty, and now an additional tax of two and a half per cent is added thereto, and one shilling per ton on Salt, which hitherto has been imported free.

And your Petitioners, as in duty bound, will ever pray.
March 7th, 1842.

Signed by *Matthew Ryan*, and 386 others.

To His Excellency, the Right Honourable Sir *Charles Bagot*, Governor-General of *Canada*, &c. &c. &c.

The Petition of the undersigned, Freeholders and Inhabitants of the county of *Bonaventure*, District of *Gaspé*,

Respectfully represents:

That among the rights and liberties which your Petitioners have inherited from their ancestors, or been guaranteed to them as subjects of the British Crown, are those of not being compelled to pay any duty, tax or assessment whatever, without the consent of Representatives freely chosen by themselves, excepting duties for the regulation of trade, the proceeds of which duties are to be always paid and applied, by and with the advice and consent of their Representative Assemblies.

That among the Ordinances passed by the late Governor-General, in Special Council, the said Governor in Council, in violation of this right, and after the said Council had ceased to exist, ordained and enacted that the late Province of *Lower Canada* should be parcelled out into extensive Districts, and be provided with Municipal Councils, with power of taxation on the real or personal property, or both, of your Petitioners, while all the administrative powers of the said Councils were invested in persons appointed by the Provincial Executive.

Your Petitioners humbly represent, that the greater part of the Ordinances of the said Governor in Special Council, were passed at a time when it was known that a Representative Legislature was about to be assembled in the Province, under an Act of the Imperial Parliament; and the said Municipal and other Ordinances having been passed, as aforesaid, the said Governor and Special Council, by the said Ordinances, have violated those rights, and others, inherent in British subjects, and inseparable from their absolute right of property, in subjecting your Petitioners, —

1st. To duties, taxes and assessments, to be imposed by Corporations appointed by the authority of the Crown.

2nd. To a multiplicity of forms and requirements affecting the title to real estate and other property, already guaranteed by laws generally known and respected.

Wherefore, your Petitioners humbly pray, that, taking the premises into consideration, your Excellency would be pleased to assent to the

repeal of the said Municipal Law, and each and every Ordinance which imposes any pecuniary burthen on the people, or encroach on their just rights and liberties ; and that nothing in the said enactments, or that has been done under them, be hereafter brought into precedent.

And your Petitioners, as in duty bound, will ever pray.

Signed by *E. H. Enright*, J. P. and 412 others.

Ordered — That two hundred and fifty copies of the said Return be printed in each of the English and French languages, for the use of the Members of this House.

On motion of the Honourable Mr. *Neilson*, seconded by Mr. *Christie*,

Ordered — That the Clerk of this House be instructed to cause a general statement of the business of the House during the present Session, to be made and printed for the use of the Members, stating the number of the Petitions introduced, and the number of Committees appointed ; the titles of all Bills introduced in the House, and of those sent to the Legislative Council ; distinguishing those passed and rejected in either House, as not assented to or reserved for the signification of Her Majesty's pleasure, by His Excellency, the Governor-General ; and those of which amendments in one House have not been concurred in by the other House.

Statement of
business done
during Session.

Allowances to
the Hon. C. Ogden
and John
Davidson, Esq.

The Honourable Mr. *Hincks* moved, seconded by the Honourable Mr. *Harrison*, That the Message of His Excellency, the Governor-General, laid before the House on the third instant, recommending to the House of Assembly to take into consideration the propriety of awarding to the Honourable *Charles Richard Ogden*, late Attorney General for Canada East, and to *John Davidson*, Esquire, late Commissioner of Crown Lands, a superannuation allowance on their ceasing to hold their respective Offices, be referred to the Committee of the whole House on Supply, this day.²

Mr. Hincks ... would state, as he before stated, that he was opposed to the system of pensioning public officers ; yet, under the peculiar circumstances of the case, he would lend the measure his support.³

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The Honourable Mr. *Neilson* moved, seconded by Mr. *Dunlop*, That the further consideration of the said motion be postponed until the second Monday after the opening of the ensuing Session of Parliament.

Mr. Neilson ... was not prepared to vote for the principle involved in this system of pensioning off the old Ministry, to make way for a new one.⁴

Mr. Johnston opposed this amendment. He thought the House was ready to discuss the question at the present time ; he was opposed to the measure ; he thought it fit and just that public officers who had worn themselves out in their country's service, or compelled to resign, from ill health, blindness, or other visitation of Providence, should be provided for ; but here we have a man (he alluded to Mr. Davidson) than whom none could be more fit for the duties of his situation, which he has filled, with credit to himself and satisfaction to the country, dismissed unceremoniously, without any fault being found with him. If this was according to the rules of Responsible Government, he would wish to be clear of it. For his part, he hoped the Journals of the House would be taken to the hustings at the next general election ; it would not be lost on the people, who would then discover the humbug system of Government now imposed upon them.⁵

Mr. Williams opposed the system of pensioning, for said he, next session, when the present Ministry resign, their successors will be for pensioning them off — (Laughter.) ... He would scorn any attempt at humour, and merely intended to offer a supposition.⁶

Dr. Dunlop. — We are told we have a particularly pure Government, but this is a gross, open, flagrant, and unblushing bribery. Public officers turned off without a cause, and we

are asked to pay new ones and pension off the old ones ; let those who dismissed them provide for them. Several of our newly appointed Ministers have failed to secure their seats, and no doubt some of the Lower Canadian Members wish to resign their seats to make way for them ; one Member had already resigned. These accommodating gentlemen will, no doubt, be provided for by an appointment to office, as was the Member for Kingston ; he would propose that instead of the present system, the House should annually vote a certain sum, to be placed in the hands of the Ministry, for the purpose of bribery.⁷

Mr. Cameron ... ((opposed)) the amendment⁸.

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The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth :

YEAS.

Armstrong, Berthelot, Boswell, Boutillier, Chesley, Christie, Cook, De Witt, Dunlop, Durand, Forbes, Jones, Kimber, D. McDonald, McLean, Merritt, Moffatt, Moore, Morris, Neilson, Papineau, Parent, Powell, Price, Roblin, Harmannus Smith, Steele, Taché, Taschereau, Thompson, Turgeon, D. B. Viger, L. M. Viger, Williams and Woods. (35.)

NAYS.

Black, Cameron, Derbishere, Draper, Dunn, Dunscomb, Foster, Gilchrist, Harrison, Hincks, Johnston, Sir Allan N. MacNab, Parke, Simpson, and Sherwood. (15.)

So it was carried in the affirmative ; and,
Ordered — accordingly.

Mr. Johnston said ministers ought surely now ((to)) resign, according to promise, being in a minority. (A laugh — in which the honourable member joined most heartily.)⁹

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Supply.

Mr. *Leslie*, from the Committee of the whole House on Supply, and on the Message of His Excellency, the Governor-General, relating to Major *John Richardson* and James *Crémazie*, Esquire, laid before the House on Saturday the eighth instant, reported, according to order, the Resolutions of the said Committee ; which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth :—

Resolved — That a sum of two hundred and fifty pounds, Currency, be granted to Her Majesty out of the Consolidated Revenue Fund of this Province, not otherwise appropriated, to enable Her Majesty to expend the like sum in the encouragement of a literary work, intituled, "The War of 1812," written and published by Major *John Richardson*.

Resolved — That the sum of two hundred and fifty pounds, Currency, be granted to Her Majesty out of the Consolidated Revenue Fund of this Province, not otherwise appropriated, to enable Her Majesty to expend the like sum in the encouragement of a work on "Criminal Law," written and published by Mr. *Jacques Crémazie*.

Then, on motion of Mr. *Black*, seconded by Mr. *Sherwood*,
The House adjourned.

Appendix, 11 October 1842.

((Notice of Proposed Motions.))¹⁰

Mr. Johnston gave notice of a motion for next session, for a committee of enquiry to take into consideration the state of the library of the house, and to give directions to the librarian to take particular care of a book containing a remarkable trial of one Gibbon Wakefield, who, the honourable member understood, was about to become a member of that

house ; if he did, he (Mr. Johnston) would certainly move for his expulsion on the first opportunity.¹¹

((Question and Answer Re : Restitution for Illegal Seizure of Anthony Manahan's Goods.))

Doctor Dunlop wished to be informed by the Secretary West, whether any restitution was to be made to Anthony Manahan, whose tobacco was seized illegally by government, and whose petition was brought before the House last session ; he wished to know whether the government had recommended any thing being paid as indemnity to the owner of that tobacco.¹²

Mr. Harrison said the subject was under consideration and would be shortly brought to an issue.¹³

Footnotes — 11 October 1842.

1. LE CANADIEN, 14 October 1842 ; MONTREAL TRANSCRIPT, 15 October 1842 ; and BRITISH COLONIST, 19 October 1842, all comment on the lack of business carried on in the House on this day.

2. The ensuing debate was reported by : BRITISH COLONIST, 19 October 1842 ; MONTREAL GAZETTE, 14 October 1842 ; MONTREAL TRANSCRIPT, 15 October 1842 ; LE CANADIEN, 14 October 1842 ; and EXAMINER, 19 October 1842.

3. MONTREAL GAZETTE, 14 October 1842.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. BRITISH COLONIST, 19 October 1842.

10. This notice was reported by : MONTREAL GAZETTE, 14 October 1842 ; BRITISH COLONIST, 19 October 1842 ; and EXAMINER, 19 October 1842.

11. BRITISH COLONIST, 19 October 1842.

12. EXAMINER, 19 October 1842.

13. IBID.

Wednesday, 12 October 1842.¹

10 o'clock, a.m.

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Petition read ;

Pursuant to the order of the day, the following Petition was read :—

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E. P. Gilman,
and others.

Of *E. P. Gilman*, and others, of the township of *Brome*, representing that the Registry and Division Courts' Acts are burdensome to the people, and praying relief.

A Message from the Legislative Council, by *John Godfrey Spragge*, Esquire, Master in Chancery :

Mr. Speaker,

The Legislative Council have passed the Bill, intituled "An Act to remove doubts as to the application of the Act for providing for the freedom of Elections, to certain Elections held under writs issued during the present Session," with several amendments, to which they desire the concurrence of this House.

And then he withdrew.

Doubts as to cer-
tain Elections.

Beauharnois
Canal.

The Honourable Mr. *Moffatt*, from the Special Committee to which were referred the documents, laid before the House on the twentieth of September last, by command of His Excellency, the Governor-General, relating to the *Beauharnois Canal*, and other references, presented to the House the Report of the said Committee, which was again read at the Clerk's table.

[For the said Report see Appendix (Z) at the end of this volume.]

Ordered — That two hundred and fifty copies of the said Report, and of the evidence and documents accompanying the same, be printed, in each of the English and French languages, for the use of the Members of this House.

Doubts as to cer-
tain Elections.

The Honourable Mr. *Neilson* moved, seconded by Mr. *Kimber*, That the amendments made by the Legislative Council to the Bill, intituled, "An Act to remove doubts as to the application of the Act for providing for the freedom of Elections, to certain Elections held under writs issued during the present Session," be now taken into consideration.²

Mr. Neilson said, that as the Ministry refused to own the Bill, as amended, he wished to give his opinion on the subject.³ ((He)) said that in consequence of the amendment made in the Election Bill by the Legislative Council, an amendment on which judgment had already been pronounced by the house this session; the bill ought to be rejected. Is a bill to be forced on the house this way? the Council want to force this on the house, but he hoped it would not be allowed⁴. It was unjust, under the circumstances. Both branches of the Legislature should be free. This system of tacking one Bill to another, had been occasionally practised in England, and scouted⁵, by the first men in England, as tending to diminish the powers of the legislature. He moved therefore that the bill as amended be now taken into consideration.⁶

Mr. Harrison regretted exceedingly the interference of the Legislative Council in this matter, which was a temporary measure, touching the election of Members, and was a privi-

lege of the House. The two branches of the Legislature had gone on harmoniously through the session, and he was sorry to see it otherwise at the end of their deliberations. He thought it a pure case of tacking. Nothing could now be done with the Bill; it was perfectly useless, and physically impossible to give it any effect. The present action of the Council amounted almost to a breach of privilege.⁷

Sir Allan MacNab called the Hon. gentleman to order, for attacking the proceedings of the Council (sic).⁸

The Speaker ((**Mr. Cuvillier**)) said that as in the present instance, the privileges of the house had been so strangely violated, it was not perhaps so much out of order as might be otherwise considered.⁹

Sir Allan MacNab said he was glad to hear the Speaker ((**Mr. Cuvillier**)) say the privileges of the house were violated.¹⁰ ((He)) thought it a matter of congratulation to the country, that the Legislative Council had taken up the matter in its true light. Some allusion was then made by him to the course pursued by the Hon. Inspector General, in relation to the Legislative Council last session, and to his political change of opinion.¹¹

((**Mr. Hincks**,)) the gentleman alluded to ... scorned any change of opinion, although acting with the Government. As to the amendment, he thought it a deliberate and intentional insult to the Lower House, and one which the Council would have the responsibility of.¹² He considered it would be received in a most dissatisfactory manner.¹³

Mr. Harrison said he wished, in alluding to the subject, to avoid the mention of the Legislative Council as much as possible. The bill framed as it now is, cannot possibly be carried into effect. The bill sent up was entirely a temporary one, but the clauses added are for permanent purposes, therefore should not have been introduced.¹⁴

Mr. Simpson supported the amendment, and thought the language used by certain Hon. gentlemen, in relation to the Council, would convey a bad impression to the public; they forgot the measure, while talking of their privilege. The Bill was imperfect without the amendment.¹⁵

Mr. Durand said that the best way was to treat((t)) the Council with silent contempt. He then made a long oration on the "duration of time, and universal existence," or some other ... subject.¹⁶

Mr. Draper thought that the Hon. Member for Quebec had not shewn any very friendly feeling to thh (sic) measure, when he fathered it. He appeared more in the light of a step-father, who would cut it off with a shilling. Several bold and indiscreet allusions had been made. It had been stated, that it was a deliberate and intentional insult to the House. He would ask if that was proper language to go before the public. He would not consider that he was doing his duty, if he sat still and listened to such hasty and inconsiderate remarks, without recording his opinion to the contrary. He then gave a history of the matter, and showed that the Legislative Council had, by this amendment, given an opinion similar to the one entertained by the House of Assembly, last Session. As to the Bill being useless, no one who had read the amendment could state that as a fact: it was not to go into operation until the first of January next, and did not therefore affect any elections of the present Session.¹⁷

Mr. Draper dwelt at length on the necessity of a registration clause, and said he never would consent to a bill for election purposes unaccompanied with registration clauses.¹⁸

Sir Allan MacNab. — The Hon. gentleman at the head of Her Majesty's Ministry (**Mr. Harrison**) brought forward this measure with great humility, and led his colleague into it. The Hon. Inspector-General gets up and says, What? that it is a deliberate and intentional insult to the House. This is very becoming in a Member of Her Majesty's Ministry! He hoped it would go to the country, and that they would have cause to repent it.¹⁹

Mr. Dunscomb approved of registration, but not of the course pursued in the present instance.²⁰

Mr. Black thought the proceeding a departure from the ordinary usages of Parliament, in thus tacking on one Bill to another: he should therefore vote against the amendment, although in favour of registration.²¹

Sir Allan MacNab then stated his desire of putting off the consideration of the Bill until next Session; moved that it be considered tomorrow; and spoke against time, until the House was summoned to appear before His Excellency, to hear the proroguing Speech.²²

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Sir Allan N. MacNab moved, in amendment, seconded by Mr. *Dunlop*, That all the words after "That," in the said motion, be struck out, and the following substituted, "this House do now resolve "itself into a Committee of the whole House, on the amendments "made by the Legislative Council, to the Bill, intituled, 'An Act "to remove doubts as to the application of the Act for providing "for the freedom of Elections, to certain Elections held under writs "issued during the present Session.'

The question having been put upon the main motion of amendment, a division ensued, and it passed in the negative.

Sir Allan N. MacNab then moved, in amendment to the main motion, seconded by Mr. *Simpson*, That all the words after "That," in the said motion, be struck out, and the following substituted, "this "House do resolve itself into a Committee of the whole House, to- "morrow, on the said amendments."

The question having been put on the motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

And the House accordingly proceeded to take the said amendments into consideration.

And the said amendments were read, and are as followeth:

Press 2, line 4, after "issued," insert the following Clauses, marked A. B. C. D. E. F. G. H. I. K. L. M. N. O. P. Q. R. S. T. U. and Schedule A. part first, Scheduled A. part second, Schedule B. Schedule C. Schedule D. and Schedule E.

"Clause A.

"And be it enacted, That for each ward of every city, town or borough, in this Province, entitled to send a Member or Members to the Provincial Parliament, and for every township in that part of this Province, heretofore forming the Province of *Upper Canada*, two Assessors shall hereafter be appointed or elected, in the same manner as one such Assessor is now by law appointed for any such ward or township.

"Clause B.

"And be it enacted, That before the first day of March, in each and every year, the Assessors for each of such wards and townships, and for every township in the counties of *Sherbrooke*, *Stanstead*, *Shefford* and *Missisquoi*, in *Lower Canada*, shall, respectively, make up in duplicate, an alphabetical list of all the persons residing therein, and qualified to vote at Elections of Members to serve in the Provincial Parliament of this Province, in respect of property lying within such wards and townships, respectively, naming the lot, concession, street or locality, in which the property, in respect of which such Elector is so qualified, shall be situate: which list shall be made at the time when the assessments of rates are made, and shall be intituled, 'Original list of persons residing in the ward, (or town- ship,) of _____, in the city, (town or borough, county or riding, as the case may be,) of _____, qualified to vote at the Election 'for a Member, (or Members, as the case may be,) to represent the 'city, (town or borough, county or riding, as the case may be,) 'of _____, in the Provincial Parliament, in respect of property lying 'within the said ward, (or township, as the case may be,) of _____, 'in the city, (town, borough, county or riding, as the case may be,) 'aforesaid;' and such Assessors of each of such wards and townships, respectively, shall, on or before the first day of March, in each year,

Elections.

(or if such day be a Sunday, or other holy-day on which no business is usually transacted, then on the next day which shall not be so,) make oath before some Justice of the Peace, (who is hereby authorised to administer such oath,) that to the best of their knowledge and belief such list is faithful and correct, and that they have not wilfully entered therein, the name of any person not qualified to vote in the manner therein mentioned, nor omitted therefrom the name of any person qualified to vote, and that they have used due diligence in making the said list; and such oath shall be written at the foot of such list, and shall be signed by the Assessors, and attested by the Justice of the Peace before whom it shall be taken; and copies of such list shall be posted up by the said Assessors, or one of them, in not less than three of the most conspicuous places in such ward or township, on or before the day aforesaid, in each and every year, and remain so exhibited, for public inspection, until the thirty-first day of the said month of March, inclusive.

“ Clause C.

“ And be it enacted, That one of the duplicates of such original list shall remain at the office or residence of each of the Assessors by whom they shall have been respectively made, and shall, during the month of March, be open to the public at all seasonable hours, and on all days, except Sundays and other holy-days on which no business is usually transacted; and during the month of March, the Assessors, and each of them, by whom such original list was made, respectively, shall receive the claims of all persons, who, being omitted from such original list, may deem themselves entitled to be entered therein, and the objections of all persons to the insertion of any name or names in such original list, and shall keep a list of such claims and objections, which shall be open to all persons, as aforesaid, during the said month of March; and in case the said Assessors shall have reason to believe, either upon the information of the party interested, or otherwise, that they have erroneously inserted or omitted any name in making out such list, it shall and may be lawful for such Assessors, and they are hereby required to amend such list, by inserting or striking

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out such name in or from such original list, at any time on or before the thirty-first day of the said month of March in each year; and upon that day, (or if it be a Sunday or other holy-day on which no business is usually transacted, then upon the next day thereafter which shall not be so,) and whether they shall have made any such amendments or not, such Assessors shall, respectively, make up, in duplicate, a second alphabetical list of all such persons so qualified, as aforesaid; which said second list shall be intituled, ‘Amended list of persons residing in the ward (or township) of _____, in the city (town ‘or borough, county or riding, as the case may be,) of _____, and ‘qualified to vote at the Election for a Member (or Members, as the ‘case may be,) to represent the said city (town or borough, county or ‘riding, as the case may be,) of _____, in the Provincial Parliament, ‘in respect of property lying within the said ward (or township, as ‘the case may be,) of _____, in the city, (town, borough, county ‘or riding, as the case may be,) aforesaid;’ which said amended list shall be attested in the same manner as the said original list; and copies of such amended list shall be posted up by the said Assessors, or one of them, in the same places in which copies of the original list were respectively posted in each ward or township, on the first day of April in each year, (or if that day be a Sunday or other holy-day on which no business is usually transacted, then upon the next day thereafter which shall not be so,) and shall remain so exhibited for further public inspection until the thirtieth day of the said month of April, inclusive.

“ Clause D.

“ And be it enacted, That one of the duplicates of such amended list shall remain at the office or residence of each of the Assessors, by whom they shall have been respectively made, and shall, during the month of April, be open to the public at all seasonable hours, and on all days, excepting Sundays and other holy-days on which no business is usually transacted; and during the month of April, the Assessors, and each of them by whom such amended list was made, respectively, shall receive the claims of all persons who, being omitted from such amended list, may deem themselves entitled to be entered thereon, and the objections of all persons to the insertion of any name or names in such amended list; and shall keep a list of such claims and objections, as well as of the claims and objections which had been made to the said original list, and not allowed by such Assessors in making up such amended list; which list of claims and objections shall be open to all persons, as aforesaid, during the whole month of April, and copies thereof, attested by the signature of the said Assessors, shall, on the first day of May, (or if that day be a Sunday, or other holy-day on which no business is usually transacted, then upon the next day thereafter which shall not be so,) be posted up by the said Assessors, or one of them, in the same places in which copies of the said amended list, to which it relates, shall have been posted.

“ Clause E.

“ And be it enacted, That the claims and objections herein before mentioned shall in all cases be made in writing, and shall be signed by some Elector of the ward or township to which they relate, and shall state the grounds on which the claim or objection is founded.

“ Clause F.

“ And be it enacted, That on the first day of May, in each year, each Assessor shall transmit the amended list of voters, and the list of claims and objections, aforesaid, as well those made to the said original list and not allowed, as those made to such amended list, as aforesaid, attested under his hand, to one of the officers hereafter named, that is to say: In *Canada West*, such list shall be transmitted to the Clerk of the Division Court, for the locality in which the ward or township to which they relate shall lie; and in the cities of *Quebec* and *Montreal*, and the town of *Three Rivers*, to the Prothonotary of the Court of King's Bench, sitting in the said cities, respectively; in those parts of the District of *Montreal*, out of the city of *Montreal*, to the Clerk of the Court of Requests for the District, at the nearest place at which sittings of such Court are held; in the town of *Sherbrooke*, to the Clerk of the Provincial Court of the District of *St. Francis*; and in those parts of the District of *St. Francis* other than the said town, to the Clerk of the Circuit of the said Provincial Court, within which the locality to which the list relates is situate.

“ Clause G.

“ And be it enacted, That the Assessor who shall have received any such claims or objections, shall, within four days after the amended list shall have been transmitted by him, as provided by the sixth section of this Act, give a written notice to the claimant or objector, and also to the person whose right is objected to, that the claim or objection, as the case may be, has been transmitted for adjudication, and of the day and place appointed for the hearing and adjudging upon the same; and such notice shall be served either by personally delivering the same to the party, or by leaving the same at the place of abode of such person within the ward or township to which such list relates, or if such person shall have no place of abode in such ward or township, then by posting the same up in the same places in which the copies of the amended list were posted.

“ Clause H.

“ And be it enacted, That in case of death or incapacity of any Assessor, prior to his having performed the duties by this Act required of him, such duties shall be performed or completed by the surviving Assessor.

“ Clause I.

“ And be it enacted, That it shall be the duty of the Judge of the Division Court, or of one of the Judges of the Court of King’s Bench, sitting in Inferior Term, or of the Commissioner of the Courts of Requests, or of the Provincial Judge of the said District of St. Francis, respectively, at the next sitting of the said Courts, and Term, respectively, on or after the first day of June, in each year, to examine and revise the said amended lists, and to hear and decide upon all such claims and objections, as aforesaid.

“ Clause K.

“ And be it enacted, That upon the days upon which such examination, as aforesaid, is to be had, the Judge or Commissioner, aforesaid, respectively, shall first examine the amended list of voters prepared by the Assessors, and shall compare the same with the list of objections, and opposite to each name on such amended list to which he shall find that no objection has been made, he shall write the word “Admit,” and mark it with his Initials.

“ Clause L.

“ And be it enacted, That when the Judge or Commissioner, respectively, shall have gone through all the names to which no objection shall have been made, he shall proceed in a summary manner to hear the parties or their Agents, for or against whom claims or objections have been made, as aforesaid, and the evidence advanced in support of or against each claim or objection, and shall insert, leave, strike out or omit, in or from the said amended list, the name of any such party, according as he shall be of opinion that such party is or is not entitled to be an elector for the place: and the decision of such Judge or Commissioner, respectively, shall be final and conclusive, subject only to the decision of the Legislative Assembly, or any Committee thereof, appointed to try a contested election upon the right of any such voter or voters.

“ Clause M.

“ And be it enacted, That so soon as the Judge or Commissioner shall have finally adjudged upon all such claims and objections, it

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shall be the duty of the Clerk of the Court to make out three alphabetical lists of such voters, as finally settled by such Judge or Commissioner, respectively, which list shall be intituled, “ Register of persons residing in the ward (or township) of _____, in the city (town or borough, county or riding, as the case may be) of _____, ‘and qualified to vote at the Election of a Member (or Members, as the case may be) to represent the city (town or borough, county or riding, as the case may be) of _____, in the Provincial Parliament, in respect of property lying within the said ward, (or township, as the case may be) of _____, in the city (town or borough, county or riding, as the case may be,) aforesaid;’ one of the parts of which register shall be kept filed in the office of such Clerk; one of them shall be transmitted by him to the office of the Sheriff of the District in which the city, town, borough, county or riding, to which it relates, shall be situate, and one of them to the ward or town Clerk of the ward or township to which it relates, and shall remain in their offices, respectively, for public inspection, gratis.

“ Clause N.

“ And be it enacted, That in each and every city, town and borough, county and riding, to which the provisions of this Act extend, no more than one day's polling shall be allowed in the several wards or townships in such cities, towns, boroughs, counties and ridings, respectively, at any Election of a Member or Members to serve in the Provincial Parliament for such city, town, borough, county or riding, instead of two days, for such polling.

“ Clause O.

“ And be it enacted, That if any Election shall take place before the first day of January, in the year of our Lord one thousand eight hundred and forty-three, such Election shall, in all cases, be held and conducted without regard to so much of this Act as relates to the list and registration of voters, and as if so much of this Act as relates thereto had not been passed.

“ Clause P.

“ And be it enacted, That in all Elections for any of the cities, towns, boroughs, counties and ridings, to which the provisions of this Act extend, which shall take place after the said first day of January, in the year of our Lord one thousand eight hundred and forty-three, every qualified person, whose name shall appear in the registers made out under the authority of this Act, for the several wards or townships in such city, town, borough, county and riding, next before the day of the teste of the writ of Election, and none other, shall be entitled to vote at such Election; and it shall not be competent to enquire, on that occasion, into any other facts except those of the party tendering the vote being truly the individual mentioned in the said register, and of his not having previously voted at that Election: Provided always, that the enquiry into these facts shall, on such occasion, be confined to the putting to the person so tendering his vote, (if the Deputy Returning Officer shall be required to do so, by or on the behalf of any candidate, or by any elector of such ward or township,) an oath, (or if he be one of those allowed by law to affirm instead of swearing in civil cases, then a solemn affirmation,) in the form of the Schedule B. to this Act annexed; and it shall not be competent at any such poll for such Election, to put to any registered voter any other oath or affirmation whatsoever, except only the oath or affirmation against bribery, which, if required on the part of any candidate, or by any elector of such ward or township, shall be put by the Deputy Returning Officer, in the form of the Schedule C. to this Act annexed.

“ Clause Q.

“ And be it enacted, That it shall be the duty of each Clerk of a Court, at which any register of Electors shall have been made under the authority of this Act, to deliver, upon demand made personally at the office of such Clerk, by any Returning Officer, such certified copies of the corrected lists of voters for each and every ward and township within the jurisdiction of such Court, as such Returning Officer shall require.

“ Clause R.

“ And be it enacted, That if any Judge, Provincial Judge, District Judge, Commissioner, Clerk of a Division Court or other Court, city or town Clerk, or person acting as such, Returning Officer, Deputy Returning Officer, or any person whatsoever, shall wilfully contravene or disobey the provisions of this Act, or any of them, with respect to any matter or thing which they are respectively required to do, he shall for such offence, be liable to be sued in any Court of competent civil jurisdiction, by any Registered Voter, Candidate, Member actually returned, or other party aggrieved, for the penal

sum of one hundred pounds; and the Court or Jury before whom such action shall be tried, may award or find a verdict for the full sum of one hundred pounds, or for any less sum which the said Court or Jury shall think it just that the defendant should pay to such plaintiff; —and the defendant in such action shall, if judgment be given against him, pay the penal sum so awarded, with full costs of suit, to the party who may sue for the same, without prejudice, however, to the right of any party aggrieved by the misconduct of any Returning Officer, or Deputy Returning Officer, to recover such damages for a false return as he may be entitled to at common law, or by virtue of any statute now in force: Provided always, that every action brought under the provisions of this section, shall be commenced within four calendar months next after the cause of action has arisen, and that notice in writing shall be given to the defendant at least one calendar month before the commencement of any such action, signed by the party bringing the same, or his agent, and setting forth the place of abode of the party signing such notice, and of the party bringing such action: Provided also, that any such defendant against whom any judgment shall have been recovered in any such action, shall be allowed to plead such judgment, as a bar to any other action which may be brought against him for the same matter or thing, and such other action being thereupon dismissed, such defendant shall recover his full costs thereof.

“ Clause S.

“ And be it enacted, That by the word ‘township’ in this Act, shall be understood as well any township as any reputed township or union of townships, entitled to elect a township Officer; and the word ‘ward’ shall be understood to mean as well any ward of any city or town, as the whole of any town which shall not be then divided into wards; and in and for the borough of *Three Rivers*, and the town of *Sherbrooke*, respectively, Assessors shall be elected for the purposes of this Act, in the same manner, and under the same township within the Municipal District, within which such borough or provisions, in and under which Assessors may be appointed for any town is situate.

“ Clause T.

“ And be it enacted, That no misnomer or inaccurate description of any person or place, in any writing made in the form of any Schedule to this Act annexed, or in any list, register or notice, made under the authority of this Act, shall in any way prevent or abridge the operation of this Act, provided such person or place shall be so designated in such writing, list or register as to be commonly understood as the person or place thereby intended.

“ Clause U.

“ And be it enacted, That the words, “ Governor of this Province,” whenever they occur in this Act, shall be understood to include as

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Elections.

well the Governor, as the Lieutenant Governor, or other person administering the Government of this Province, for the time being.

“ SCHEDULE A.—Part First.

“County, (riding, city, borough or town,) of _____, I. E. Y. object to the claim of A. B. to be admitted (or to be continued on the roll) as a voter for the county (riding, city, borough or town,) of _____, on the following grounds; (here may be stated shortly the ground, as property or occupancy not of sufficient value;—that the party is not, or has ceased to be proprietor, tenant or occupant; that he is personally disqualified, as being a minor, an Officer of the

Customs, &c.) and I crave to be heard on the said objection before the District Judge, (or as the case may be.)

" Date.

(Signed,)

E. F.

" SCHEDULE A.—Part Second.

" Objections to the insertion of the name of _____, on the list of voters lodged with me G. H. assessor; this _____, day of _____.

(Signed,)

G. H.

" SCHEDULE B.

" I, A. B. do swear (or solemnly affirm,) that I am the individual described in the register for _____, as a voter for _____, (here insert a description in the same words as contained in the register,) and that I have not already voted at this Election, either at this polling place, or any other.

" SCHEDULE C.

" I, A. B. do solemnly swear (or solemnly affirm) that I have not received, or had by myself or any person for my use or benefit, any sum or sums of money, office, place or employment, gift or reward, or any promise or expectation of any money, office, gift, place, employment or reward, in order to give my vote at this election."

SCHEDULE D. No. 1.—*For Counties or Ridings.—Form of a Register of List of Voters. County (or Riding) of _____.*

No.	Date of Registration.	Name.	Calling.	Proprietor or Tenant.	Description of Property, Land, House, &c.	Remarks.

SCHEDULE E. No. 2.—*For Cities or Boroughs.—Form of a Register or List of Voters. City (Town or Borough) of _____.*

No.	Date.	Name.	Calling.	Proprietor or Tenant.	Description of the Property.	Street, Lane, or other place of Residence.	Ward, or other Division.

Preamble, line 23,—after "Session" insert "And whereas it is expedient and indispensable to provide for the registration of the names of persons having the right by law to vote at the Election of Members of the Provincial Parliament, for the several cities, towns, and boroughs, in this Province, entitled to send Members to such Parliament, and also of those having the right in the several counties and ridings in that part of this Province heretofore composing the Province of *Upper Canada*, and in some of the counties in that part of this

Province heretofore composing the Province of *Lower Canada*, and being in like manner entitled to send Members to such Parliament."

Title, line 4,—after "Session" insert "And to provide for the enregistration of persons entitled to vote at certain Elections of Members of the Legislative Assembly of this Province."

The Honourable Mr. *Neilson* moved, seconded by Mr. *Price*, That the said amendments be rejected.

A Message from His Excellency, the Governor-General, by *Frederick Starr Jarvis*, Gentleman Usher of the Black Rod.

Mr. Speaker,

I am commanded by His Excellency, the Governor-General, to acquaint this Honourable House, that it is the pleasure of His Excellency, that the Members thereof do forthwith attend him in the Legislative Council Chamber.

Accordingly Mr. Speaker and the House went up to attend His Excellency; when His Excellency was pleased to give, in Her Majesty's name, the Royal Assent to the following Public and Private Bills :

Members to attend His Excellency, the Governor-General.

Freedom of Elections.

Members' seats vacation.

Justices' qualification.
Desertion of Seamen.

Proportioning punishment.

Pot and Pearl Ashes.
Measurement and inspection of Timber, &c.

Loan of £1,500,000.

Remuneration to Emigration Agent.

King's Bench, Montreal.

Acts and Ordinances.

Winter Roads.

Certain Ordinances repeal.

Police, Canada East.

An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned.

An Act to make the Law for vacating the seats of Members of the Legislative Assembly accepting Office, uniform throughout this Province.

An Act for the qualification of Justices of the Peace.

An Act to amend the Act therein mentioned, relative to the desertion of Seamen, and others in the sea service.

An Act for better proportioning the punishment to the offence, in certain cases.

An Act to regulate the inspection of Pot and Pearl Ashes.

An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and exportation from this Province, and for other purposes relative to the same.

An Act to authorise the raising, by way of Loan, in *England*, the sum of one million five hundred thousand pounds, Sterling, for the construction and completion of certain Public Works in *Canada*.

An Act to appropriate a certain sum to enable Her Majesty to remunerate Doctor *Thomas Rolph*, for his past services as Emigration Agent.

An Act to continue, for a limited time, the Ordinance to facilitate the despatch of business before the Court of King's Bench for the District of *Montreal*.

An Act to continue, for a limited time, certain Acts and Ordinances therein mentioned.

An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads, in that part of the Province formerly called *Lower Canada*.

An Act to repeal certain Ordinances of the Governor and Special Council of the late Province of *Lower Canada*, relative to the administration of Justice.

An Act to repeal certain Ordinances therein mentioned, relative to the establishment of a system of Police in *Canada East*.

Registration,
Real Estate.

An Act to extend the time allowed by the Ordinance therein mentioned, for the registration of certain charges or incumbrances on Real Estates, and to repeal certain parts thereof.

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An Act to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient boundaries and limits of the cities of *Quebec* and *Montreal*.

Quebec and
Montreal boun-
daries.

An Act for better preventing the obstruction of Rivers and Rivulets in *Canada East*.

Obstruction of
rivers, &c.

An Act to amend certain Acts therein mentioned, relative to the establishment of Mutual Insurance Companies in *Canada East*.

Mutual Insurance,
Canada East.

An Act to confirm certain Rules, Orders, and Regulations made by the Chief Justice and Judges of Her Majesty's Court of Queen's Bench for *Canada West*.

Rules, Court of
Queen's Bench.

An Act to extend the time for the payment of the loan to the *Cobourg Harbour Company*.

Loan, Cobourg
Harbour.

An Act to change the place of the Registry Office for the county Middlesex.

Middlesex
Registry.

An Act to grant further powers to the *Montreal Fire Assurance Company*, and to change the name of the said Corporation.

Montreal Fire
Assurance.

An Act to incorporate a Company under the style and title of the *Quebec Gas Light and Water Company*.

Quebec Gas-Light
and Water
Company.

An Act to incorporate the Charitable Association of the Roman Catholic Ladies of *Quebec*.

Quebec Charitable
Association.

An Act to extend the powers of the British *America Fire and Life Assurance Company* to Marine Assurances.

British America
Assurance.

An Act to extend the Charter of the Commercial Bank of the *Midland District*, and to increase its Capital Stock.

Midland District
Bank Charter.

An Act to extend the Charter of the Bank of *Upper Canada*, and to increase the Capital Stock thereof.

Upper Canada
Bank Charter.

An Act to afford relief to the Estate of the late *Thomas Clarke*.

Clarke's estate.

An Act to authorise the Court of Chancery to admit *William Vynne Bacon*, to practise therein as an Attorney and Solicitor.

Bacon's relief.

The Titles of the following Bills were then read : An Act to impose a duty upon Foreign Wheat imported into the Province.

Duty on imported
Wheat.

An Act to make provision for the management of the Temporalities in the United Church of *England* and *Ireland*, in the Diocese of *Quebec*, in this Province, and for other purposes therein mentioned.

To each of which it was His Excellency, the Governor-General's, pleasure to say, that he reserved the said Bill for the signification of Her Majesty's pleasure thereon.

The Honourable Speakers of the Legislative Assembly then said : May it please your Excellency :

We, Her Majesty's loyal and faithful Subjects, the Commons of *Canada*, have taken into our serious consideration the Message of your Excellency accompanying the Estimates for the public service of the current year.

The anticipated shortness of the Session have rendered it impracticable to investigate, in a full and complete manner, the whole

Speaker's
Address.

financial affairs of the Province, and to examine, with sufficient care, the several items of which the said Estimates are composed; but in order to enable Her Majesty to meet the necessary and unavoidable expenses of the Government up to the close of the first quarter of the ensuing year, Her Majesty's faithful Commons, the Legislative Assembly of *Canada*, have voted a Supply, under the full reliance that it will be applied to the exigencies of the Province, as set forth in the said Estimates, with all due regard to economy, and to the state of its finances and resources.

We therefore pray that your Excellency will be pleased, in Her Majesty's name, to give the Royal Assent to this Bill.

Supply Bill.

An Act to grant certain sums to Her Majesty, for defraying certain indispensable expenses of the Civil Government, during the periods therein mentioned.

To which Bill His Excellency was pleased to signify the Royal Assent, in the following words :

"In Her Majesty's name, I thank Her loyal Subjects, accept their benevolence, and assent to this Bill."

And then His Excellency was pleased to make the following Speech to both Houses :

Speech of His Excellency.

Honourable Gentlemen of the Legislative Council ; and Gentlemen of the Legislative Assembly :

Although I anticipated, when I called you together, that your consideration might have been given at the present Session, to such public business of importance as seemed to require your early attention, yet I am induced, by reasons of public convenience, and with a view to an early resumption of our joint labours, to put a close to the present Session.

I have to thank you for the zeal and assiduity with which you have considered and perfected the various measures in which the short period of the Session has been occupied. These, I trust, will be an earnest to the country of the principles by which I am guided, and of the advantages which may be expected from the cordial and united efforts of the several branches of the Provincial Legislature.

Gentlemen of the Legislative Assembly :

I thank you, in the name of Her Majesty, for the liberality with which you have voted the Supplies requisite for the public service ; and for your ready co-operation in carrying out the views of Her Majesty's Government.

Honourable Gentlemen, and Gentlemen :

In relieving you for the present from further attendance in your Legislative capacity, I would express my confident hope, that when you return to your homes, you will use your just influence in promoting in your several Districts that unanimity and good feeling which it has been my endeavour to establish, and in diffusing those hopes of permanent peace and prosperity, which I trust you will unite with me in believing, that we may now, under Providence, be permitted to indulge.

After which the Honourable Speaker of the Legislative Council said :

Honourable Gentlemen of the Legislative Council ; and

Gentlemen of the Legislative Assembly :

It is the will and pleasure of His Excellency, the Governor-General, that this Provincial Parliament be prorogued until Friday, the eighteenth day of November next ; and this Provincial Parliament is accordingly prorogued until Friday, the eighteenth day of November next, to be then and here holden.

Footnotes — 12 October 1842.

1. "There was a full attendance of the beauty and fashion of Kingston in the Council Chamber, which rendered the Parliamentary proceedings of the day more attractive than usual.... Among other distinguished personages, we observed Lady McNab and family, who have very frequently attended the Legislative proceedings of late, as have many other fair ladies."

His Excellency appeared to be in good health, and apparently more at home with his work, than on the occasion of his *début* at the opening of the Session. He was accompanied to the House by a guard of the Lancers, and received by a company of the 23d Fusiliers, amid the roar of cannon and a general uncovering of upper works. He acquitted himself of his duties creditably, and returned to his domicile instantly after the ceremony." MONTREAL GAZETTE, 15 October 1842.

2. The debate on this motion was reported by: MONTREAL GAZETTE, 15 October 1842; and in identical accounts in BRITISH COLONIST, 19 October 1842, and EXAMINER, 19 October 1842.

3. MONTREAL GAZETTE, 15 October 1842.

4. BRITISH COLONIST, 19 October 1842.

5. MONTREAL GAZETTE, 15 October 1842.

6. BRITISH COLONIST, 19 October 1842.

7. MONTREAL GAZETTE, 15 October 1842.

8. IBID.

9. BRITISH COLONIST, 19 October 1842.

10. IBID.

11. MONTREAL GAZETTE, 15 October 1842.

12. IBID., which commented that Hinck's reply was "acrimonious".

13. BRITISH COLONIST, 19 October 1842.

14. IBID.

15. MONTREAL GAZETTE, 15 October 1842.

16. IBID.

17. IBID.

18. BRITISH COLONIST, 19 October 1842.

19. MONTREAL GAZETTE, 15 October 1842.

20. IBID.

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22. IBID.

INDEX

INTRODUCTION

The Index to this Volume is divided into two sections: proper names and subjects. The proper name Index is limited to the names of the men who sat in the Canadian Assembly in 1842. This Index therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as John Godfrey Spragge, Master of Chancery, who at one time or another addressed the House from within the Bar. It also excluded the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit this section of the Index to members of the Assembly was made necessary by the fact that in 1842 the other names number literally in the hundreds, and in other years in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize: the proper name Index refers to every occasion when a member proposed or seconded a motion or resolution, it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The subject Index is based on the Index to the JOURNALS. However, it has been modified, corrected and expanded to render it more useful and complete. In particular, the subjects of all the legislative events reported in the daily Appendices are included in the Index. This Index provides more than a subject analysis of parliamentary events. It also indicates the passage of each particular item through the various stages of the legislative process. It is thus a parliamentary subject Index.

The entries in this Index contain double sets of numbers whenever this is appropriate. One set is contained within parentheses, the other is not. All numbers within parentheses refer to pages in the JOURNALS. All other numbers refer to pages in this Volume. When something is mentioned in the JOURNALS it will be indexed with a double reference. Subjects mentioned only in reconstructed material will be indicated by a single page number. An additional distinction must be made within the category of numbers in parentheses. This category includes italicized numbers which always refer to official communications made in the House, usually Addresses or Messages to or from the Governor-General or the Legislative Council. All words expressed in italics refer to primary subject headings.

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ACCOUNTS AND PAPERS :

1. — Acceptance of or Appointment to Office — List of Members who have accepted of or been appointed to Office, since the late general Election, &c. Ordered by Address.
2. — Administration of Justice — Documents relating thereto, in Gaspé. Ordered by Address.
3. — Assessments — Return of, from Canada West. Ordered by Act. Presented, (33) **134**.
4. — Bank Statements — Bank of Upper Canada ; Commercial Bank, Midland District ; Bank of Montreal ; Quebec Bank ; City Bank of Montreal ; Canadian branches of Bank of British North America ; Gore Bank. Ordered, (19) **87**. Presented, (49) **175**, (55) **195**, (93) **284**, (118) **364**.
5. — Baptisms, Marriages, and Burials — Statements and Returns, for 1841, from the Districts of Quebec, Montreal, and Three Rivers. Ordered by Act. Presented, (4) **10**.
6. — Board of Works — List of Members and Officers thereof ; of persons employed ; and amount of payments to each. Ordered by Address.
7. — Bonds and Securities — Registrar's Report. Ordered by Act. Presented, (25) **108**.
8. — Brack, J. — Correspondence on his case. Ordered by Address. Presented, (99-100) **297-301**.
9. — Canadian Corn — Despatches on the introduction thereof into Great Britain, free of duty, and on duties on Agricultural Produce. Ordered by Address last Session. Presented, (42-46) **156-166**. Printed, (48) **169**. Vide *Duties on Imports*.
10. — — — — — Act of Imperial Parliament, (5 Vic., cap. 14,) to amend the laws for the importation of Corn into the United Kingdom. Ordered by Message. Presented, (68-80) **230-250**.
11. — Collectors — Return of certified Copy of the Regulations made by them, for warehousing, delivery, and transmission of Goods in Bond. Ordered, (116) **357**.
12. — Commissioner of Public Works — Correspondence on the subject of an Engineer Officer as such Commissioner. Ordered by Address. Presented, (67-68) **229-230**. Printed, (90) **268**. Vide *St. Francis and St. Louis Canal*.
13. — Contingencies of Assembly — Of 1st Session, 1st Parliament. Presented, (40) **152-154**.
14. — Crown Lands — Statement of monies received by Agent, in Gaspé, from 1835 to 1842, on Sales thereof. Ordered by Address. Presented, (99) **297**.
15. — Emigration — Report of Dr. Thomas Rolph, Agent. Ordered by Message. Presented, (63-66) **220-226**. Printed, (66) **226**.
16. — — — — — Act of Imperial Parliament, (5 & 6 Vic., cap. 107,) for regulating the carriage of Passengers in Merchant Vessels. Ordered by Message. Presented, (80-89) **250-266**.
17. — — — — — Despatch, (No. 62, 3rd February 1842,) on the subject of Emigration. Ordered by Message. Presented, (121) **371-372**.
18. — Fee Fund — Returns of monies received in Canada West, by virtue of Acts of last Session. Ordered by Address. Presented, (31) **125**. Printed, (33) **134**.
19. — Government Debentures — Schedule of, for Canada West. Ordered by His Excellency's Command. Presented, (33) **134**.
20. — Indemnity to Members — Statement of amount received from Treasurers of Districts of Canada West, since 1st January, 1841. Ordered by Address. Presented, (53) **182**.
21. — Library — Report from Librarian, on the present state of the Library. Ordered by Standing Order, 19 June 1841. Presented, (4) **8**.

22. — Report on the division of the Books belonging to the Legislature of the late Province of Upper Canada. Ordered by Standing Order, 16 September 1841. Presented, (4) 8.

23. — Loan — Act of Imperial Parliament, (5 & 6 Vic., cap. 118,) for guaranteeing the payment of Interest on the Loan of £1,500,000. Ordered by Message. Presented, (46-47) 166-167.

24. — Lumber — Detailed Statement of all monies received, as Licenses to cut Timber on Crown Lands, from 10th February 1841, and Statement of monies due thereon. Notice of Motion for returns and reading of JOURNALS entries for 1841, 104. Ordered, (25) 110.

25. — Detailed Statement of Duties on Timber, names of parties paying, and number of pieces on which duties are paid, together with disbursements of Commissioner of Crown Lands Office, in Bytown, for 1841. Ordered by Address. Presented, (55) 195. Printed, (56) 197.

26. — Despatch, (No. 12, 1st October 1841,) on the subject of Timber Duties. Ordered by Joint Address last Session. Presented, (89) 266-267. Printed, (89) 267.

27. — Despatch, (No. 186, 30th June 1842,) explanatory of the new arrangement in the Timber Duties. Ordered by Message. Presented, (89) 266-267. Printed, (89) 266-267.

28. — Detailed Statement of monies received by Crown Lands Agent, in Gaspé, from 1835 to 1842, inclusive, on sale of Crown Lands and Timber Licenses, &c. Ordered by Address. Presented, (99) 297.

29. — Detailed Statement of Licenses granted and Timber cut, in the County of Bonaventure, from the year 1835 to 1842, inclusive, by R. Ferguson, and certain other persons. Ordered by Address. Presented, (99) 297.

30. — Statement of Licenses granted and Timber cut on Crown Lands, in the County of Ristigouche, Province of New Brunswick, from 1835 to 1842, inclusive. Ordered by Address.

31. — Statement of the quantity of Timber shipped from the Ports of Dalhousie and Campbelltown, in the Ristigouche, from 1835 to 1842, inclusive. Ordered by Address.

32. — Lunatic Asylum, Canada West — Annual Report of the Commissioners, for 1842. Ordered by Address, 8 February 1840. Presented, (104) 317.

33. — Militia Claims — Report of Crown Lands Commissioner thereon, for Canada East. Ordered by Address. Presented, (51-53) 180-182.

34. — Municipal Districts — Correspondence on the erection of the Counties of Bonaventure and Gaspé into such Districts. Ordered by Address. Presented, (122-126) 378-386. Printed, (126) 386.

35. — Statements from Wardens of Beauharnois and St. John Districts. Ordered by Act. Presented, (118) 364.

36. — Nelson Hackett — Correspondence on the surrender of him to the authorities of Arkansas. Ordered by Address. Presented, (55) 195. Printed, (97) 293. Motion for committal, 361-363. Withdrawn Motion, 363.

37. — Ottawa Bridge — Return of Expenses of Surveys for the erection thereof. Ordered, (27) 115. Presented, (30) 124.

38. — Paris Bridge — Commissioners Account for 1841. Ordered by Act. Presented, (25) 108.

39. — Patent Officers — Return of the Names thereof, since the division of the Province of Quebec, whose Salaries have amounted to £300 each, or upwards, &c. Ordered by Address.

40. — Pensions — Return of Names of all persons to whom Pensions have been granted, from 1839 to 1842, inclusive, with the date of each Grant, &c. Ordered by Address. Presented, (111-112) 343-346.

41. — Point Levi Road — Correspondence relating thereto. Ordered by Address.

42. — Population — Returns from Canada West for 1841. Ordered by Act. Presented, (33) 134.

43. — Provincial Administration — Correspondence between His Excellency and Mr. LaFontaine, on the proposed changes therein. Ordered by Address. Presented, (25-26) 110-112. Printed, (27) 114.

44. — Tabular Return from each Department of the Executive Government, for the years 1840, 1841 and 1842, exhibiting the Names of all persons employed in each, Salaries, Fees, &c. Ordered by Address.

45. — Provincial Penitentiary — Annual Report thereof, for 1841. Ordered by Act. Presented, (24) **108**.

46. — Public Accounts — From 1st October 1840, to 31st December 1841. Ordered by His Excellency's Command. Presented, (31) **125**. *Printed*, (31) **125**.

47. — Estimate of Revenue and Expenditure for the year ending 31st December 1842. Ordered by Message. Presented, (35) **142**. Committed, (36) **143**. *Printed*, (36) **143**. Vide *Public Accounts*.

48. — Rail-Roads — Statement of the affairs of the Champlain and St. Lawrence Rail-Road. Ordered by Act. Presented, (5) **16**.

49. — Regulation of Trade — Act of Imperial Parliament, (5 & 6 Vic., cap. 107.) Ordered by Message. Presented, (80) **250**. *Printed*, (103) **309**. Vide *Printed Stat.*, 6 Vic.

50. — Returns of Members — Notifications and Resignations connected therewith. Presented, (1-2) **1-4**.

51. — Rules of Queen's Bench, Canada West. — Ordered by Act. Presented, (36) **143**. *Printed*, (36) **143**.

52. — St. Francis and St. Louis Canal — Estimate of, by Mr. Keefer. Ordered by Address. Presented, (26-27) **112-113**. Vide *St. Francis and St. Louis Canal*.

53. — Seat of Government — Despatch, (No. 15, 2nd November 1841,) relating thereto. Ordered by Address last Session. Presented, (47) **167-168**. *Printed*, (48) **170**. Vide *Seat of Government*.

54. — Seigniorial Tenure — Report of Commissioners thereon. Ordered by Address last Session. Presented, (101-102) **301-303**. *Printed*, (107) **326**.

55. — Seizures — Return of Seizures of Goods, illegally imported, within the last three years, &c. Ordered by Address.

56. — Treasurers' Accounts, Canada West — For 1840 and 1841. Ordered by Act. Presented, (33) **134**.

57. — Trinity House, Quebec — Accounts of the Corporation thereof. Ordered by Act. Presented, (19) **89**.

58. — Turnpike Trusts — Annual Reports of Commissioners : Home District ; Kingston and Napanee ; Johnstown District. Ordered by Act. Presented, (24) **108**.

59. — War Losses — Statement of Losses unpaid, Canada West. Ordered by Address. Presented, (114) **352**. *Printed*, (114) **352**.

60. — Waste Lands — Motion for Return waived, due to information that such a Return would be presented next Session, **376**.

61. — Welland Canal — Annual Report for 1841. Ordered by Act. Presented, (24) **108**.

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— Expiring Laws and Engrossed BILLS. Motion for Standing Committee, (22) **93**. Consideration postponed, (22) **93-95**.

— Petition of E.H. Enright, and others, for repeal of all Ordinances imposing pecuniary burthens upon the people, (38) **149**, (55) **196**.

— House resolves to go into Committee of the whole to consider the expediency of repealing certain Acts and Ordinances of the Legislature of Lower Canada, and to remove doubts as to the repeal of certain others, (91) **274**. Considered ; Resolution reported ; Agreed to, (91) **274**. BILL presented and read ; Order for second reading, (91) **274**.

— Petition of E.P. Gilman, and others, complaining that the Registry and Division Courts' Acts are burdensome, (118) **364**, (127) **389**.

— Vide *Administration of Justice ; Bankrupt Law ; Coteau du Lac ; Criminal Justice ; Currency ; District Courts ; Judicature ; Members' Seats Vacation ; Municipal Council ; Public Lands ; Registry Office ; Rural Police ; School Act ; Small Causes ; Small Debts ; Tay Navigation ; Toronto Gas Light and Water Company ; Township and Paris Officers ; Winter Roads ; Winter Vehicles.*

ACT OF IMPERIAL PARLIAMENT — Loan of £1,500,000, (46-47) **166-167**.

— Importation of Corn into the United Kingdom, (68-79) **231-250**.

— Regulation of Trade in the British Possessions, (*Printed Statutes, 6 Vic.,*) regulating the carriage of Passengers in Merchant Vessels, (80-89) **250-266**.

— An Act to amend the laws for the regulation of the Trade of the British Possessions abroad, (5 & 6 Vic., cap. 49.) (80) **250**. *Printed,* (103) **309**.

ADDRESSES :

1. — Of Congratulations — To Her Majesty on the birth of the Prince of Wales. Notice of Motion, **13**. Committee appointed to draft an Address, (11) **55**. Reported ; Agreed to, (14-15) **73-74**. Address to His Excellency to transmit the same, to be laid at the foot of the Throne ; To be engrossed ; To be presented by the whole House ; Executive Councillors to know His Excellency's pleasure when he will be attended, (22) **95**. His Excellency appoints to be attended, (24) **108**. His Excellency's answer, (25) **109**.
2. — — — To Her Majesty, declaring the heartfelt gratitude of her faithful Commons for protection from the treasonable attempt of an assassin. Notice of Motion, **13**. Committee appointed to draft an Address, (11) **55**. Reported ; Agreed to, (15) **74**. Address to His Excellency to transmit the same to be laid at the foot of the Throne ; To be engrossed ; To be presented by the whole House ; Executive Councillors to know His Excellency's pleasure when he will be attended, (22) **95**. His Excellency appoints to be attended, (24) **108**. His Excellency's answer, (25) **109**.
3. — — — To Prince Albert, on the birth of the Prince of Wales. Notice of Motion, **13**. Committee appointed to draft an Address, (11) **55**. Reported ; Agreed to, (14-15) **73-74**. Address to His Excellency to transmit the same, to be laid at the foot of the Throne ; To be engrossed ; To be presented by the whole House ; Executive Councillors to know His Excellency's pleasure when he will be attended, (22) **95**. His Excellency appoints to be attended, (24) **108**. His Excellency's answer, (25) **109**.
4. — Of Thanks — To the Governor-General, for his most Gracious Speech at the opening of the Session. Motion, (7-8) **25-33**. Amendment, (8-9) **33-39**. Committed, (9) **39**. Considered, (9) **39-49**. Resolutions reported, (15) **74-75**. Committee appointed to draft an Address in conformity to the Resolutions, (16) **78**. Address reported ; Agreed to, (18-19) **84-87**. To be engrossed ; To be presented by the whole House ; Executive Councillors to know His Excellency's pleasure when he will be attended, (19) **87**. His Excellency appoints to be attended, (21) **92**. His Excellency's answer, (25) **108-109**.

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5. — Arrears on Jesuits' Estates — To favourably consider the opening for actual settlement of the unoccupied lands on the River St. Maurice, in rear of the town of Three Rivers ; and to cause to be suspended the prosecution for arrears on the Jesuits' Estates in that neighbourhood, till after the close of the next Session, (49) **172**. His Excellency's answer, (111) **343**. *Printed,* (114) **352**.
6. — Bouchette, Mrs. Adélaïde — Communicating copy of Report of Special Committee on Petition of, (97-98) **393**.
7. — Changes in Executive Council — Expression of the entire and cordial satisfaction of the House therein. Notice of Motion, **87**. Motion, (23-24) **99-103**. Address amended, (24) **103**. Executive Councillors to know His Excellency's pleasure when he will be attended, (24) **103**. The House attends upon His Excellency with the Address ; His Excellency's answer, (31-32) **130-131**. *Printed,* (32) **130-131**. Vide *Questions Negated*, (5).
8. — Church Temporalities — To transmit the BILL « to make provision for the management of the Temporalities of the United Church of England and Ireland in the

Diocese of Quebec, » to be laid before Parliament, (116) **358**. His Excellency's answer, (120-121) **371**.

- 9.—Contingencies—For warrant in favour of the Clerk of this House for £6,000, (61) **208**. His Excellency's answer, (89) **267**.
- 10.—Gosford Road—For enquiry as to the express words of the Statute in relation to the improvement of the said Road. Motion, (103) **308-309**. Consideration postponed, (103) **309**. Again postponed, **349**. Motion; Resolution; Address to be presented to His Excellency by members of the Executive Council, (115) **353**.
- 11.—Richardson, Major John—Transmitting Resolution in his favour, (115) **353**. His Excellency's answer, (117) **359-360**.
- 12.—Point Macpherson—For a statement concerning navigation around it. Notice of Motion, 8.

— FOR ACCOUNTS AND PAPERS :

- 13.—Acceptance of, or Appointment to Office—For list of Members who have accepted of, or been appointed to, any office since the late General Election, with date of appointment or acceptance, and amount of salaries. Notice of Motion, **173**. Motion, (51) **179**.
- 14.—Administration of Justice—For documents relating thereto in Gaspé, pursuant to an Address of last Session, (103) **309-310**. His Excellency's answer, (111) **343**.
- 15.—Bastard Sugar—For any correspondence or communication made by Her Majesty's Government to the Provincial Executive, relative to the duty to be collected on Bastard Sugar, under 4 & 5 Vic., cap. 14. Negatived, (120) **368-369**.
- 16.—Blue Book—For a copy of any Despatches from Colonial Secretary to Provincial Government relating to the Blue Book since its institution. Notice of Motion, **14**.
- 17.—— For copy of any Despatches directing that a copy of the Blue Book be laid before Provincial Parliament every year. Notice of Motion, **14**.
- 18.—Board of Works—For list of members and officers of, persons employed, and amount of payments to each. Notice of Motion, **173**. Motion, (51) **179**.
- 19.—Brack, J.—For copies of all correspondence relating to him. Notice of Motion, **13**. Motion, (30) **123**. Vide *Accounts*, (8.)
- 20.—Casual and Territorial Revenue—For a Statement of receipt and expenditures thereof, prayed for by an Address of last Session, (118) **364**. (*Next Session.*)
- 21.—Crown Lands—For Statement of monies received by Agent in Gaspé from 1835 to 1842, on sales of Crown Lands, &c. Notice of Motion, **22**. Motion, (22) **95**.
- 22.—Departments of Executive Government—For a tabular return from each, for the years 1840, 1841, and 1842, exhibiting the names of all persons employed in each, their salaries and fees, and the contingent expense of each Department. Notice of Motion, **173**. Motion (51) **179**.
- 23.—Duties on Exports—For copy of Despatch from the Governor-General, dated "Montreal, 26th May 1840," transmitting an Address of the Legislature of Upper Canada on introduction of Canadian Corn into Great Britain free of duty, and relating to Colonial Trade, generally, and copies of all Despatches on duties on agricultural productions and commerce of this Province since that period. Notice of Motion, **127**. Motion, (33) **134-135**. Vide *Accounts*, (9.)
- 24.—Education—For a Statement of the number of students or scholars in the different Institutions of Education of this Province, to which any grant of public money is made, &c., (110) **341-342**. (*Next Session.*)
- 25.—Fee Fund—For a copy of all returns of monies raised in Canada West as such fund, and of fees to District Judges and Clerks of Division and District Courts thereof. Notice of Motion, **13**. Motion, (22) **96**. Vide *Accounts*, (18.)
- 26.—Forms of Issuing Money—For information regarding forms from time of ordering of warrant to time of paying money. Notice of Motion, **13**.
- 27.—Girouard, J.J.—For copies of Despatches relative to his capture and amount paid for his arrest. Notice of Motion, **87**. Withdrawn Motion, **104**.
- 28.—Indemnity to Members—For Statement of whole amount received by Treasurers of Districts in Canada West, and paid into the hands of the Receiver-General as such indemnity, (36) **144**. Vide *Accounts*, (20.)

29.—Loans—For Statement of loans made by Province, and rate of interest. Notice of Motion, **13.**

30.—Lumber—For Despatches to Her Majesty's Secretary of State for the Colonial Department, on a Joint Address of last Session relating to Timber duties, and answers received on the subject-matter of said Address, Motion, (5) **10-11.** Vide *Accounts*, (26.)

31.———— For Statement of Licenses given and Timber cut on Crown Lands in Bonaventure, from 1835 to 1842, inclusive. Notice of Motion, **22.** Motion, (22) **95.** Vide *Accounts* (29.)

32.———— For Statement of Licenses granted and Timber cut on Crown Lands in county of Ristigouche, in Province of New Brunswick, from 1835 to 1842, inclusive, (27) **113.**

33.———— For Statement of the quantity of Timber shipped from the ports of Dalhousie and Campbelltown, in the Ristigouche, from 1835 to 1842, inclusive, (27) **113.**

34.—For detailed Statement of duties on Timber, names of parties paying, and number of pieces on which duties are paid, together with disbursements of Commissioner of Crown Lands' Office in Bytown, for 1841, (51) **178.** Vide *Accounts*, (25.)

35.—Marriage Licenses and Fees—For a return of Marriage Licenses, and of all Fees received in any Public Department since the Union, &c., (118) **364.** (*Next Session.*)

36.—Meeting of Legislature—For copies of Despatches for Canada East or West, relating to season at which Legislature is called together. Notice of Motion, **13.**

37.—Militia Claims—For copy of last Report of Commissioners and Secretary of the late Board thereof, and of instructions given to the Commissioner of Crown Lands thereon. Notice of Motion, **22.** Motion, (30) **123.** Vide *Accounts*, (33.)

38.—Municipal Districts—For correspondence relative to the erection of Bonaventure and Gaspé Counties into Municipal Districts, (56) **197-198.** Vide *Accounts*, (34.)

39.—Nelson Hackett—For correspondence relative to his surrender to the authorities of Arkansas. Motion deferred, **178.** Motion, (51) **178.** Vide *Accounts*, (36.)

40.—Patent Officers—For a return of the names of, since the division of the Province of Quebec into the Provinces of Upper and Lower Canada, whose salary has amounted to £300 each, or upward, &c., (51) **179-180.**

41.—Pensions—For return of names of persons to whom Pensions have been granted during the years 1839, 1840, 1841, and 1842, date of grants, occasion for same, amount thereof, age of persons, and the period for grant, (91) **274-275.** Vide *Accounts*, (40.)

42.—Plank Road—For all instructions to survey, reports, specifications and estimates, **13.**

43.—Point Levi Road—For copies of correspondence relating to opening said Road, of progress made, and monies already expended. Notice of Motion, **104.** Motion, (30) **123.**

44.—Post Office Commission—For copy of Report. Notice of Motion, **50.** Motion ; Withdrawn Motion, **63.**

45.—Police Force, Lower Canada—For Statement of the number of Stipendiary Magistrates, Officers and Men employed in the Police Force in Lower Canada, where they serve, and the annual expense of the Police Establishment generally. Notice of Motion, **12.**

46.—Provincial Administration—For copy of a letter addressed by His Excellency to L.H. LaFontaine, Esquire, in relation to certain proposed changes in the Provincial Administration, with the correspondence thereon. Notice of Motion, **62.** Motion, (21) **93.** Vide *Accounts*, (43.)

47.—Provincial Secretaries—For a return of all fees, emoluments, &c., received by them. Notice of Motion, **8.** Motion ; Withdrawn Motion, **88.**

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— House to go into Committee to consider of imposing a duty on the agricultural products of the neighbouring states imported into the Province. Notice of Motion, **12**. Resolved, (6) **18**.

— BILL to impose duty on all agricultural produce imported. Notice of Motion, **22**.

— House resolves to go into Committee of Ways and Means to consider of imposing a duty upon Imports of Foreign Wheat into the Ports of this Province, (48) **168**. Considered, (54) **183-190**. Instructions to Committee to consider also the expediency of imposing a proportionate and simultaneous duty upon all sorts of Agricultural produce, (60) **207-208**. Considered, (61) **209-214**. Resolutions reported, (66-67) **226-229**. Concurred in on divisions, (67) **228**. BILL to impose a duty on Foreign Wheat imported into this Province, presented and read, (67) **229**. Second reading ; Committed ; Considered, (98) **294**. Amendment moved and negatived, (105) **318**. BILL passed, (105) **318**. By the Council, (115) **356**. Reserved for Her Majesty's pleasure, (131) **399**. Vide *Questions Negatived*, (8, 11.)

— Petition of M.M. Crawford, and others, for a protecting duty on Lumber imported from the United States, (12) **59**, (17) **82**.

— Petition of John P. Bower, and others, for a protecting duty on Leather imported from the United States, (38) **149**, (56) **196**.

— Vide *Customs Duties* ; *Fisheries* ; *Scriptures*.

E

EASTERN DISTRICT — Petition of Municipal Council thereof, against the dismemberment of said District, (50) **175**, (58) **203**. Referred, (59) **205**.

EDUCATION AND SCHOOLS — Vide *Addresses*, (24.) ; *Chambly College* ; *Common School Act* ; *Common Schools* ; *District School Act* ; *Dunham Academy* ; *Jesuits' Estates* ; *Laprairie de la Magdelaine* ; *Rouville Academy* ; *St. Hyacinthe College* ; *Shefford Academy* ; *Sherbrooke Academy* ; *Stanstead Academy*.

— Motion for Standing Committee on, (22) **93**. Consideration postponed, (22) **93-95**.

ELECTIONS —

— BILL to provide for the freedom of Elections throughout this Province. Notice of Motion, 8. BILL presented and read, (6) **19-20**. Second reading; Committed, (48) **170**. Considered, (90) **269-271**. Reported, (91) **275**. Third reading; Motion for re-committal to add certain clauses, (94-97) **284-292**. Negatived, (97) **291**. BILL passed on division, (97) **292**. By the Council, (107) **324**. Royal Assent, (130) **398**. 6 *Vic.*, cap. 1.

— BILL to fix the places of Election in the several counties in Canada East, presented and read, (29) **122**. Second reading, (48) **170**.

— BILL to remove doubts as to the application of the Act for providing for the freedom of Elections held under writs issued during the present Session, moved, (120) **370**. Amendment negatived, (120) **370**. BILL presented and read; Second reading; Passed, (120) **370-371**. By the Council with amendments, (127) **389**. Consideration thereof moved, (127) **389-391**. Amendment, to refer the amendments to a Committee of the whole House now, negatived, (127) **391**. Another amendment, to refer the amendments to a Committee of the whole to-morrow, negatived, (127) **391**. Amendments considered, (127-130) **391-398**. Motion to reject the amendments, (130) **398**.

— BILL to regulate Elections by Vote by Ballot. Notice of Motion, 8.

— Request for copy of Despatch sent to Colonial Secretary regarding election BILL passed last Session. Notice of Motion, 8.

— CANADA EAST — Resolution of last Session relative to the BILL for preventing failure of Justice on certain outrages alleged to have been committed during the late General Elections in the counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly, and Rouville. Notice of Motion, **14**. Resolutions read; Referred, (6) **19**. Two Members added to Committee, (29) **122**. Report, (59) **206**. Concurred in, (60) **206**.

— CONTROVERTED, NIAGARA TOWN — Committee report adjournment in consequence of absence of Members, (4) **10**. Report read; Members excused for their non-attendance, (5) **11-12**. Absence of Members reported, (6) **18**, (13) **61-62**. Members excused from serving, (23) **97**, (37) **146**. A Member reported absent; Final report, (37) **148**. Return amended, (38) **148**.

— OTTAWA DISTRICT — Petition of Charles Symmes, Esquire, opposing Candidate, complaining of that Election, **50**, (13) **66**. Time extended for receiving the Petition, (13) **66**. Petition withdrawn, (48) **170**.

— YORK COUNTY, SECOND RIDING — Committee report that a Member of the Committee had vacated his seat in the Legislative Assembly, (5) **12**. Resolved that said Member, although re-elected, is legally incompetent to serve upon said Committee, unless re-appointed, (6) **20**. Committee dissolved, (10-11) **54-55**. Day appointed for taking the Petition of Connell J. Baldwin, and others, into consideration, (11) **57**. Considered, (11-12) **57-58**. Committee appointed; Time and place of meeting, (12) **58**. A Member reported absent, (33) **134**. Committee have leave to adjourn, (36) **144**. Final Report, (39) **152**. Motion for new writ postponed, (48) **169-170**. Vide *Elections*, (Writs.)

WRITS ISSUED DURING THE RECESS

FOR WHAT PLACE	IN THE ROOM OF	ON WHAT ACCOUNT
Fourth Riding, County of York	Robert Baldwin, Esquire	Made his election for Hastings, (1) 1 .
Vercheres	Henri Desrivieres, Esquire	Vacated his seat, (1) 1-2 .
Nicolet	A. Norbet Morin, Esquire	Vacated his seat, (1) 2 .
Lake of Two Mountains	Colin Robertson, Esquire	Deceased, (1-2) 2 .
Bellechasse	A. Guillaume Ruel, Esquire	Registrar of Rimouski, (2) 2 .
Rouville	A. Melchior DeSalaberry, Esquire	Office of Profit, (2) 3 .
St. Maurice	J. Edouard Turcotte, Esquire	Vacated his seat, (2) 3 .
Oxford	Francis Hincks, Esquire	Vacated his seat, (2) 3 .
Leinster	J. Moyse Raymond, Esquire	Registrar of Leinster, (2) 3-4 .
Ottawa	Honourable C. Dewey Day	Puisne Judge, King's Bench, (2) 4 .

WRITS (WARRANTS FOR) ORDERED DURING THE SESSION

FOR WHAT PLACE	IN THE ROOM OF	ON WHAT ACCOUNT
Town of London	Honourable H.H. Killaly	President of Board of Works, (4) 7 .
Fourth Riding, County of York	Louis H. LaFontaine, Esquire	Attorney-General (East), (14) 66-72 .
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Portneuf	Thos. C. Aylwin, Esquire	Solicitor-General (East), (36) 143 .
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EMIGRATION — Vide *Accounts*, (15, 16, 17.); *Rolph, Dr. Thomas*.

ENGINEER, ST. LAWRENCE CANAL — Vide *St. Lawrence Canal*.

ENGROSSED BILLS — Vide *Acts and Ordinances*.

ERRENGY, THOMAS, AND OTHERS — Petition of, (114) **351**.

ESTATE OF LATE THOMAS CLARKE — Vide *Clarke's Estate*.

ESTIMATE OF REVENUE AND EXPENDITURE — Vide *Accounts*, (47.)

EXECUTIVE GOVERNMENT — Vide *Departments of Executive Government; Provincial Administration*.

EXPIRING LAWS — Vide *Acts and Ordinances*.

F

FAILURE OF JUSTICE — Vide *Elections, Canada East*.

FEES FUND — Vide *Accounts*, (18.); *Addresses*, (25.)

FEES AND EMOLUMENTS — Notice of Motion to consider abolishment of all perquisites and fees of office, and to conform those continued into a fund applicable to the public service, **375-376**.

FERGUSON, THOMAS — Petition of, for relief, being disabled while attempting to suppress the late Rebellion, (32) **131**, (38) **150**. Referred, (56) **197**.

FINES, PENALTIES, AND FORFEITURES — BILL to regulate the appropriation of, presented and read, (3) **4**. Order for second reading, (13) **62**.

FISHERIES — BILL to repeal Act levying duty on salt imported into Lower Canada and used in Gaspé fisheries. Notice of Motion, **22**.

——— BILL to regulate the Salmon fisheries in the District of Gaspé. Notice of Motion, **104**. BILL presented and read, (27) **115**. Second reading ; Referred, (90) **269**. A series of questions reported, (107) **325-326**. To be considered, (107) **326**. Considered ; Report concurred in, (113) **349**.

——— Petitions of John Hardeley, and others, and of Messrs. LeBoutillier, Brothers, and others, for remission of duties on articles used in Fisheries in Gaspé, (106) **323**, (114) **351-352**.

——— Vide *Customs Duties Act*.

FOREIGN WHEAT — Vide *Duties on Imports*.

FREEDOM OF ELECTIONS — Vide *Elections*.

G

GAMBLING — Petition of Municipal Council, Niagara District, that a tax be laid on Roulette Tables, and all places of resort for the purpose of gambling, (7) **25**, (12) **59**. Referred, (32) **133**.

GASPE FISHERIES — Vide *Customs Duties Act; Fisheries*.

——— ROADS — Petition of John LeBoutillier, and others, complaining of their bad state, (38) **148**, (55) **196**.

GEORGEN, T.W. — Petition of, (28) **120**.

GORE BANK — Petition of President, Directors, and Company, that certain amendments be made in the Act of Incorporation, (12) **59**, (17) **82**. Referred, (29) **121**. Report, (with a dissentient,) (41-42) **155-156**. Report committed, (42) **156**. Instructions to Committee to report whether it is expedient to repeal the double security clause contained in the Bank Charters within the Province, (60) **207**. Report considered, (113) **347-348**. Vide *Questions Negatived*, (10.).

— Vide *Accounts*, (4.)

— DISTRICT — Petition of Municipal Council thereof against the dismemberment of said District, (55) 195, (62) 217.

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GOURLAY, ROBERT F. — Vide *Grievances*.

GOVERNMENT DEBENTURES — Vide *Accounts*, (19.)

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— His Speech at the opening of the Session reported by Mr. Speaker, (3-4) 4-7. Day appointed for taking it into consideration, (4) 7. *Printed*, (4) 7. Order for consideration postponed, (7) 20-21. Considered; Resolution moved, (7-8) 25-33. Amendment, (8-9) 33-39. Main Motion and amendment committed, (9) 39. Considered, (9) 39-49, (15) 74. Report; Report received on division, (15) 74-75. Resolution in answer to Speech read, (15-16) 75-78. Resolution referred, (16) 78. Vide *Addresses*, (4.)

— His answer to Address of thanks, (25) 108-109.

— Assents to certain *BILLS*, (130-131) 398-400.

— Announces his intention to prorogue the Legislature, (119) 366.

— Prorogues the Legislature, (131) 400.

— His Speech at the close of the Session, (131) 400.

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2. — With Act of Imperial Parliament on loan of £1,500,000, (46-47) 166-167. *Printed*, (66) 226. Vide *Accounts*, (23.)

3. — With Despatch on subject of Seat of Government, (47) 167-168. *Printed*, (114) 353. Vide *Accounts*, (53.) ; *Seat of Government*.

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5. — With Report of Dr. Thomas Rolph, late Emigration Agent, (63-66) 220-226. *Printed*, (66) 226. Vide *Accounts*, (15.) ; *Supply*.

6. — With correspondence on appointment of an Engineer Officer to superintend the execution of Public Works, (67-68) 229-230. Vide *Accounts*, (12.)

7. — Transmitting three Acts of the Imperial Parliament : Importation of Corn ; Regulation of Trade ; Carrying Passengers in Merchant Vessels, (68-89) 230-266. Vide *Accounts*, (10, 16, 49.)

8. — Transmitting Despatch in answer to joint Address of Provincial Legislature of last Session on duties levied on Timber in the United Kingdom ; also, a Despatch explaining the grounds on which the new arrangement was adopted, (89) 266-267. Vide *Accounts*, (26, 27.)

9. — That His Excellency will issue his warrant for £6,000, in favour of the Clerk of this House, for the contingencies thereof during the present Session, (89) 267.

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12. — In reply to Address on Administration of Justice, Inferior District of Gaspé, (111) 343. Vide *Addresses*, (14.)

13. — In reply to Address on Crown Lands in rear of Three Rivers, and on stopping prosecutions for arrears accumulated on the Jesuits' Estates, (111) 343. *Printed*, (114) 352. Vide *Addresses*, (5.)

14.— Recommending the sum of £250 to Major John Richardson, to encourage the publication of "The War of 1812"; also, the sum of £250 for the promotion of a work on Criminal Law, by Mr. Jacques Crémazie, (117) **359-360**. Vide *Supply*.

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16.— Directing the sum of £50 annually to be granted to Robert F. Gourlay, Esquire, during his natural life, (121) **371**.

17.— With Despatch on the subject of Emigration, (121) **371**. Vide *Accounts*, (17.)

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— Motion for Standing Committee on, (22) **93**. Consideration postponed, (22) **93-95**.

— Petition of Robert F. Gourlay, for redress of certain grievances, (28) **120**, (35) **141**. Referred, (35) **141-142**. Report; Committed, (106) **323-324**. Considered; Resolution reported and agreed to; Copy of report of Special Committee communicated to His Excellency, (113) **348**. Vide *Governor-General, Messages from His Excellency*, (16.)

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HARRIS, H.W. — Petition of Captain of the 24th Regiment of Foot, to be divorced from his wife, (32) **132**, (39) **151**.

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HOSPITALS AND CHARITABLE INSTITUTIONS — Motion for Standing Committee on, (22) **93**. Consideration postponed, (22) **93-95**.

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HYNDMAN, C.M. — Petition of, for increase of salary as Keeper of the Court House at Sherbrooke, (13) **65**, (20) **90**.

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— OF JUDGES — BILL for better securing the independence of the Judges. Notice of Motion, **14**. BILL presented and read, (6) **20**. Second reading; Referred, (13) **62**.

— OF BAR — BILL to secure the independence of the Bar. Notice of Motion, **21**.

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— QUEBEC — Petitions of Frederick Mimee, Tipstaff, and J.B. Landry, Crier of the said Court, for indemnification for loss of certain fees by the establishment of District Courts, (16) 81, (20) 90.

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— Petition of the Venerable G.O. Stewart ((or Stuart)), and others, against including lot 24, 1st concession, township of Kingston, in the enlargement of said town, (17) **81**, (20) **91**.

— Vide *Boundary Line Commissioners Act.*

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PROROGATION — Vide *Parliament.*

PROTECTING DUTIES — Vide *Duties on Imports.*

PROVINCIAL ADMINISTRATION — Vide *Accounts, (43.) ; Addresses, (46.)*

— PENITENTIARY — Petition of Henry Smith, Warden, for an equivalent in lieu of convict servants, (10) 53, (13) 65.

— Vide *Accounts, (45.)*

PUBLIC ACCOUNTS — Select Committee appointed upon the Message and documents on the Estimate for the year 1842, (36) 143. Report, (92) 276.

— Motion for Standing Committee on, (22) 93. Consideration postponed, (22) 93-95.

— Vide *Accounts, (46, 47.) ; Supply.*

— CONTRACT — Petition of Robert Barclay, and others, to be indemnified for losses sustained in a public contract, (12) 59, (17) 82. Referred, (25) 110.

— LANDS ACT — House resolves to go into Committee to consider of amending said Act of last Session, (4 & 5 Vic., cap. 100,) (51) 178. Considered ; Resolution reported and agreed to, (92) 276-277. BILL presented and read, (92) 277. Second reading, (98) 294. Passed, (102) 305-306.

— LANDS AND SEIGNORIAL RIGHTS — Motion for Standing Committee on, (22) **93.** Consideration postponed, (22) **93-95.**

— DEBT — Notice of Motion for Committee of whole to consider ways of diminishing through retrenching offices and diminishing salaries, **375.** (*Next Session.*)

PUNISHMENT TO OFFENCE — Vide *Criminal Justice Acts.*

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QUEBEC BANK — Vide *Accounts*, (4.)

— CITY LIMITS — BILL to restore, for election purposes, the ancient boundaries of the city of Quebec. Notice of Motion, 50. BILL presented and read, (15) **74.** Second reading; Committed, (36) **145.** Reported, (49) **171.** Passed, (50) **176.** By the Council, (89) **267.** Royal Assent, (131) **399.** 6 *Vic.*, cap. 18.

— CUSTOMS HOUSE — Vide *Customs.*

— FEMALE ORPHAN ASYLUM — Petition of Mrs. M.G.P. Painchaud, and others, for aid, (13) **65.** (20) **90.**

— Petition of Mrs. M.G.P. Painchaud, and others, for an Act of Incorporation, (13) **65.** (20) **90.** Referred, (29) **121.** Reported; Concurred in, (50) **177.** BILL to incorporate the Charitable Association of the Roman Catholic Ladies of Quebec, presented and read, (50-51) **177.** Second reading; Committed; Considered; Reported, (61) **209.** Passed, (62) **217.** By the Council, (107) **324.** Royal Assent, (131) **399.** 6 *Vic.*, cap. 24.

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— INFANT SCHOOL — Petition of the Ladies of the Committee, (50) **176.**

— MALE ORPHAN ASYLUM — Petition of Managing Committee, for aid, (32) **132.** (39) **150.**

— TURNPIKE ROADS — Vide *Turnpike Trusts.*

QUEEN'S BENCH — BILL from the Legislative Council to confirm certain Rules, Orders and Regulations for Canada West, (59) **205.** *Printed*, (66) **226.** Order for second reading, (93) **282.** Read a second time, (108) **328.** Motion for third reading, (119-120) **368.** Passed, (120) **368.** Royal Assent, (131) **399.**

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1. — For Despatches to Her Majesty's Secretary of State for the Colonial Department, on a joint Address of last Session relating to Timber duties, and answers received on the subject-matter of said Address. Negatived, (5) **11.**
2. — An Address to His Excellency, on the subject of the Address of last Session, relating to a general pardon for political offences. Negatived, (5) **11.**

- 3.—Appointment of a Committee to alter and amend the Rules of the House. Notice of Motion, 8. Negatived, (6) 19.
- 4.—For certain papers relating to the tenure of Lots of Land in Bytown, purchased by Lord Dalhousie on behalf of the Government. Notice of Motion, 21. Negatived, (13) 61.
- 5.—To refer Motion for Address to His Excellency, on changes in Executive Council, to Committee of whole. Negatived, (23) 101-102. Amendment to said Address, negatived, (24) 102-103.
- 6.—An Address to His Excellency, for Despatch on Mr. Murdoch's appointment, his salary, &c. Notice of Motion, 13. Negatived, (28) 116.
- 7.—For House in Committee to consider of making provision for the support of the Roman Catholic Clergy, in Canada West. Negatived, (60) 207.
- 8.—Instruction to Committee on Ways and Means, to inquire into the propriety of continuing the construction of the Canals on St. Lawrence, in the event of certain duties being imposed. Negatived, (60) 208.
- 9.—Motions to adjourn the House. Negatived, (24) 102, (28) 117, (61) 214, (103) 310, (108) 326, (109) 338.
- 10.—Postponement of consideration of the Report of the Special Committee, on the Petition of the President and Directors of the Gore Bank. Negatived, (61) 209.
- 11.—Amendments to Resolutions reported by Committee of whole, on the subject of the introduction of foreign wheat into this Province. Negatived, (66) 227, (67) 228.
- 12.—Motion to re-commit the BILL to provide for the freedom of Elections, in order to add certain clauses. Negatived, (94-97) 285-291.
- 13.—Amendment to BILL for the inspection and admeasurement of Timber, Masts, &c. Negatived, (92) 275.
- 14.—Motion for House in Committee on the Currency Act of last Session. Negatived, (103) 309.
- 15.—Amendment to BILL to impose a duty on foreign Wheat imported into this Province. Negatived, (105) 318.
- 16.—Amendment to BILL to extend the charter and increase the capital stock of the Commercial Bank. Negatived, (105-106) 319-320.
- 17.—Previous questions. Negatived, (106) 320, (108) 328.
- 18.—Amendments to second Resolution reported by Committee of whole on Seat of Government. Negatived, (109) 336, 337-338, (110) 338.
- 19.—Motion to refer an entry in JOURNALS of last Session, relating to the Speaker of the late Upper Canada Assembly, to a Special Committee. Negatived, (114) 352.
- 20.—Motion to postpone the consideration of an Address to His Excellency, in favour of Major John Richardson. Negatived, (115) 353.
- 21.—Motion for BILL to confer certain necessary powers on the Commissioners of Seigniorial Tenure Inquiry. Negatived, (119) 366-367.
- 22.—Motion that the amendments by the Council, to the BILL to remove doubts in respect to Act providing for the freedom of Elections, be referred to the Committee of the whole House. Negatived, (127) 391.

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REGISTRATION OF REAL ESTATE — Vide *Registry Offices*.

REGISTRY OFFICE, MIDDLESEX — House resolves to go into Committee, on amending Act of Upper Canada, 35 Geo. III, cap. 5, as far as relates to said office, (36) 144. Considered; Resolution reported and agreed to, (54) 192. BILL to change the place of said office, presented and read, (54) 192. Second reading, (57) 199. Passed, (58) 203. By the Council, (104) 316. Royal Assent, (131) 399. 6 Vic., cap. 21.

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Petition of Gaspard Dauth, of St. Anne Lapérade, for relief from loss sustained in construction of bridge over River St. Anne, (28) 120, (34) 140. Referred, (35) 142.

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AND PUBLIC IMPROVEMENTS — Motion for Standing Committee on, (22) 93. Consideration postponed, (22) 93-95.

ROLPH, DR. THOMAS — BILL to remunerate him for past services as Emigrant Agent, presented and read, (108) 328. Second reading, (110) 342. Passed, (114) 351. By the Council, (115) 356. Royal Assent, (130) 398. 6 Vic., cap. 30.

Vide *Governor-General, Messages from His Excellency*, (5.); *Supply*, (Resolutions.)

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ROUVILLE ACADEMY — Petition of A.C. Chapman, and others, for aid to complete the erection, and for support thereof, (55) **195**, (62) **218**.

— COUNTY — Vide *Clerk of the Crown in Chancery ; Elections, (Wrts.)*

RULES OF QUEEN'S BENCH — Vide *Queen's Bench*.

— OF THE HOUSE — Question to appoint a Committee, to consider the propriety of altering and amending certain Rules of this House, specifically the required payment of £20 on the introduction of Private BILLS. Notice of Motion, 8. Negatived, (6) **18-19**.

— Question to appoint a Committee to alter time of the House holding its sittings. Notice of Motion, **14**.

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ST. FRANCIS AND ST. LOUIS CANAL — Motion for nautical survey, **97-99**. Withdrawn Motion, **99**.

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— Vide *Accounts*, (52.) ; *Addresses*, (50.)

ST. HYACINTHE COLLEGE — Petition of Reverend Joseph Larocque, Director, for aid, (19) **89**, (28) **120**.

ST. LAWRENCE CANAL — Vide *Addresses*, (51.)

— RIVER — Vide *Navigation*.

ST. MAURICE — Vide *Clerk of the Crown in Chancery ; Elections, (Wrts.)*

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— Vide *Accounts, (53.) ; Governor-General, Messages from His Excellency, (3.)*

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SEIGNORIAL TENURE — Vide *Accounts, (54.) ; Questions Negatived, (21.) ; Commission of Seignorial Tenure Inquiry.*

SEIGNORIES OF LACOLLE AND DELERY — Petition of Henry Hoyle, and others, to be relieved for the unjust exactions of their Seignors, (50) 176, (59) 204. Printed, (59) 204-205.

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SHEFFORD ACADEMY — Petition of William Taylor, and others, for aid, (50) 175, (58) 203.

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SMALL CAUSES — Petitions for a renewal of the "Small Causes" or Commissioners' Court Act : Of Charles Wheeler, and others, (38) 149, (56) 197. Of Washington Frost, (50) 175, (58) 203.

— DEBTS — House to go into Committee to consider of amending an Act of last Session for the recovery of Small Debts, in Canada West. Notice of Motion, 12. Withdrawn Notice, 117. Resolved, (120) 369. Considered; Resolution reported and agreed to; BILL to amend said Act presented and read, (120) 369-370. Order for second reading, (120) 370.

SPARKS, NICHOLAS — Petition of, for restoration of certain property of which he has been unjustly dispossessed by the Ordinance Department, (10) 53, (13) 65. Referred, (14) 66. A Member added in place of one absent on leave, (23) 99.

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— Reports His Excellency's Speech at opening Session, (3) 4.

— Acquaints the House that he had issued warrants for new writs during the Recess, (1) 1.

— To issue warrants for new writs, (4) 7, (14) 66-72, (98) 294-295.

— Communicates Reports from the Librarian, (4) 8.

— Lays before the House Statements and Returns of Baptisms, Marriages and Burials, of certain Districts of Canada East, (4) 10.

— Lays before the House a Statement of the affairs of the Champlain and St. Lawrence Rail-Road, (5) 16.

— Reports His Excellency's answers to Addresses, (25) 108-109, (31) 130.

— Lays before the House Bank Statements, (49) 175, (55) 195, (93) 284, (118) 364.

— Reports certificates of the Clerk of the Crown in Chancery agreeably to writs, (94) 284.

— Reports Statements from Wardens of Municipal Districts, (118) 364.

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— OF THE LATE UPPER CANADA ASSEMBLY — JOURNALS of last Session relating to, read; Motion to refer the same to the Special Committee on Contingencies, negatived, (114) 352.

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STANSTEAD ACADEMY — Petition of Alexander Kilborn, and others, for aid, (38) 149, (56) 197.

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— House resolves to go into Committee thereon, (62) 218. Subjects referred: Report from Select Committee on Estimates for 1842; Message of His Excellency with Report of Dr. Rolph, Emigrant Agent, (92) 276. Resolutions of 8th September, 1841, renewed, (104) 310. Matters considered, (104) 310-316. Three Resolutions reported, (Expenses of Civil Government, and a grant to Dr. Thomas Rolph); The two first agreed to; The third upon division, (108) 326-327. Question regarding referral of pensions of Mr. Ogden and Mr. Davidson to Committee, 342. Message in favour of Major John Richardson, and Mr. James Crémazie, referred, (117) 359-360. House in Committee, (121) 373. Two Resolutions reported and agreed to, (126) 387.

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RESOLUTIONS OF SUPPLY

Re- ported.	Agreed to.	For What Purpose.	Sums granted.		
Sterling					
(108) 326	(108) 326	Expenses of Government, not otherwise provided for, for the year 1842	£75000	0	0
(108) 326-327	(108) 326-327	Expenses from 1st January to 31st March, 1843, not otherwise provided for	25000	0	0
(108) 327	(108) 327	Dr. Thomas Rolph, last services as Emigrant Agent	500	0	0
Currency					
(126) 387	(126) 387	Major John Richardson, encouragement of a literary work, entitled, "The War of 1812."	250	0	0
(126) 387	(126) 387	Jacques Crémazie, Esquire, encouragement of a work on "Criminal Law."	250	0	0

— BILL to grant certain sums of money to Her Majesty to defray certain indispensable expenses of the Civil Government, during the period therein mentioned, presented and read, (108) 327. Second reading; Committed; Considered, (113) 347. Reported, (113) 347. Passed, (114) 351. By the Council, (115) 356. Royal Assent, (131) 400. 6 Vic., cap. 9.

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TALBOT DISTRICT — Vide *Bayham Township*.

TAX ON PROPERTY — Petition of Municipal Council, Home District, that property be taxed in proportion to situation and value, (50) 176, (59) 204.

— ON GOVERNMENT OFFICES — Question for Select Committee to enquire into Government Offices, (except Judges of Queen's Bench and Vice Chancellor of Court of Chancery,) which earn in excess of £300 per annum, with a view to taxing them. Notice of Motion, 22.

TAXES — Petition of Inhabitants of Lotbiniere, for repeal of all Ordinances imposing taxes, (16) 81, (20) 90.

— Vide *Absentees*; *Tax on Property*.

TAY NAVIGATION ACT — Petition of William Bell, and others, for amendment to said Act, (50) 176, (58) 204.

THANKS — Vide *Addresses*, (4.)

THRASHING MACHINE — Vide *Patents*.

TIMBER — Vide *Lumber Trade*.

TOLL BRIDGE — Petition of J. Bell Forsyth, and others, and of J.E. Heath, and others, for an Act to construct such Bridge over the River St. Charles, (28) 120, (34) 140.

— Petition against, of J.J. Nesbitt, and others, (32) 132, (39) 150.

— GATES — Petition of Adam Thompson, and others, complaining of partiality in the sites of said Gates, on the road from Dundas to Galt, (55) 195, (62) 217.

TOLLS — Petition of Inhabitants of Cote de la Vertu, for relief from the heavy tolls on the turnpike road from Cote des Neiges to Montreal, (17) 81, (21) 91. Referred, (21) 91.

TORONTO COMMITTEE ON AGRICULTURE — Petition of, (20) 89.

— GAS LIGHT AND WATER COMPANY — Petition of Mayor and Corporation for amendment in the Act of Incorporation, (114) 351, (118) 364.

TOWNSHIP AND PARISH OFFICERS — Petition of Inhabitants of Lotbiniere, for repealing the Ordinance relating thereto, (16) 81, (20) 90-91.

TRADE — Motion for Standing Committee on, (22) 93. Consideration postponed, (22) 93-95.

— ACT — Vide *Acts of Imperial Parliament*.

TRANSPORTATION — BILL to regulate it. Notice of Motion, 13.

TREASURER'S ACCOUNTS — Vide *Accounts*, (56.)

— OFFICE, CANADA WEST — BILL for better regulation of it. Notice of Motion, 13.

TRIAL OF IMPEACHMENTS — Vide *Impeachments*.

TRINITY HOUSE, QUEBEC — Vide *Accounts*, (57.)

TURNPIKE TRUSTS — Petition of Trustees of Quebec Turnpike Roads, to raise a loan to complete said Roads, and for amendment in the Ordinance constituting the Trust, (50) 175, (58) 203-204. Of John Clark, and others, for relief against proceedings of Trustees of Montreal Turnpike Roads, (50) 176, (58) 204. Of Municipal Council, Gore District, for amendment to the Act regulating Macadamized Roads, (58) 203, (91) 273.

— DUNDAS AND WATERLOO — BILL to alter and amend law governing it. Notice of Motion, 14.

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